

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, OCTOBER 21, 2011
9:30 A.M.**

**AOC SEATAC OFFICE
SEATAC, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Barbara Madsen, Chair
Supreme Court

Judge Chris Wickham, Member Chair
Superior Court Judges' Association
Thurston County Superior Court

Judge Marlin J. Appelwick
Court of Appeals, Division I

Judge Ronald Culpepper
Superior Court Judges' Association
Pierce County Superior Court

Judge Deborah Fleck
Superior Court Judges' Association
King County Superior Court

Judge Janet Garrow
District and Municipal Court Judges'
Association
King County District Court

Judge Laura Inveen, President
Superior Court Judges' Association
King County Superior Court

Judge Jill Johanson
Court of Appeals, Division II

Judge Teresa Kulik
Court of Appeals, Division III

Judge Michael Lambo
District and Municipal Court Judges'
Association
Kirkland Municipal Court

Judge Jack Nevin
District and Municipal Court Judges'
Association
Pierce County District Court

Justice Susan Owens
Supreme Court

Judge Kevin Ringus
District and Municipal Court Judges'
Association
Fife Municipal Court

Judge Scott Sparks
Superior Court Judges' Association
Kittitas County Superior Court

Judge Gregory Tripp, President
District and Municipal Court Judges'
Association
Spokane County District Court

NON-VOTING MEMBERS:

Mr. Steven Crossland, President
Washington State Bar Association

Judge Sara Derr, President-Elect
District and Municipal Court Judges'
Association
Spokane County District Court

Mr. Jeff Hall
State Court Administrator

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Judge Craig Matheson, President-Elect
Superior Court Judges' Association
Benton and Franklin Superior Courts

Ms. Michele Radosevich, President-Elect
Washington State Bar Association

Judge Ann Schindler, Presiding Chief Judge
Court of Appeals, Division I



Board for Judicial Administration (BJA)

Friday, October 21, 2011 (9:30 a.m. – 12:00 p.m.)

AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

AGENDA

1. Call to Order	Chief Justice Barbara Madsen Judge Chris Wickham	9:30 a.m.
2. Welcome and Introductions	Chief Justice Barbara Madsen Judge Chris Wickham	9:30 a.m.
Action Items		
3. September 16, 2011 Meeting Minutes Action: Motion to approve the minutes of the September 16, 2011 meeting	Chief Justice Barbara Madsen Judge Chris Wickham	9:35 a.m. Tab 1
4. Trial Court Operations Funding Committee Charter Action: Motion to approve the Trial Court Operations Funding Committee charter	Ms. Mellani McAleenan	9:40 a.m. Tab 2
5. BJA Public Trust and Confidence Membership Action: Motion to approve the BJA Public Trust and Confidence Committee's recommendation to add a WSBA member to their committee	Ms. Mellani McAleenan	9:45 a.m. Tab 3
Reports and Information		
6. Regional Courts Work Group	Judge Sara Derr	9:50 a.m. Tab 4
7. AOC Budget Priorities	Mr. Jeff Hall	10:00 a.m. Tab 5

8. State Revenue Report	Dr. Arun Raha	11:00 a.m.
9. BJA Legislative Agenda	Ms. Mellani McAleenan	11:30 a.m. Tab 6
10. Access to Justice Board	Mr. M. Wayne Blair	As time permits
11. Washington State Bar Association	Mr. Steven Toole	As time permits
12. Reports from the Courts <ul style="list-style-type: none"> - Supreme Court - Court of Appeals - Superior Courts - Courts of Limited Jurisdiction 	Justice Susan Owens Judge Ann Schindler Judge Laura Inveen Judge Gregory Tripp	As time permits
13. Association Reports <ul style="list-style-type: none"> - Superior Court Administrators - Juvenile Court Administrators - County Clerks - District and Municipal Court Administrators 	Mr. Frank Maiocco Ms. Bonnie Bush Ms. Lynne Jacobs	As time permits
14. Administrative Office of the Courts	Mr. Jeff Hall	As time permits
15. Other Business Next Meeting: TBD	Chief Justice Barbara Madsen Judge Chris Wickham	As time permits
Persons with a disability, who require accommodation, should notify Beth Flynn at 360-357-2121 or beth.flynn@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.		

**Board for Judicial Administration
Meeting Minutes**

**September 16, 2011
SeaTac, Washington**

Members Present: Chief Justice Barbara Madsen, Chair; Judge Marlin Appelwick; Mr. Steve Crossland; Judge Sara Derr; Judge Deborah Fleck; Judge Janet Garrow; Mr. Jeff Hall; Judge Laura Inveen; Judge Michael Lambo; Ms. Paula Littlewood; Judge Jack Nevin; Justice Susan Owens; Judge Christine Quinn-Brintnall; Judge Kevin Ringus; and Judge Gregory Tripp

Guests Present: Mr. Jim Bamberger, Ms. Betty Gould, Mr. Frank Maiocco, and Ms. Shelley Maluo

Staff Present: Ms. Beth Flynn, Mr. Dirk Marler, Ms. Mellani McAleenan, Mr. Ramsey Radwan, and Ms. Lorrie Thompson

The meeting was called to order by Chief Justice Madsen.

July 15, 2011 Meeting Minutes

It was moved by Judge Garrow and seconded by Judge Lambo to approve the July 15, 2011 Meeting Minutes. The motion carried.

Budget Update

Mr. Radwan distributed a summary of the latest state revenue forecast. Since February 2010 the General Fund revenue collection estimates have been decreased by \$1.9 billion (5.9%), and that will bring the current projected deficit for the state General Fund to \$1.3 billion.

The revenue forecast triggered a memo from Mr. Marty Brown, Director of the Office of Financial Management (OFM), asking state agencies for 5% and 10% budget reduction scenarios. Mr. Radwan told Mr. Brown that the judicial branch would review budgets and determine what could be done as a branch while taking into account the branch's constitutional mandates.

The Governor has flexibility to negotiate with the Legislature to schedule a special session in order to make the necessary budget reductions. The Governor does not want to cut funding by a set across-the-board percentage because that is no longer possible for some agencies.

The judicial branch will probably respond to Mr. Brown with the number for 5% and 10% budget reductions and then state, if those cuts are made, which services could be reduced or eliminated but will not state specifically what will be reduced or eliminated.

Following the report were the questions and answers summarized below.

Q. Will the judicial branch respond that the Administrative Office of the Courts (AOC) will be cut by a larger percentage so that the courts will be cut by a smaller percentage?

A. Not for this initial response. It will just be an overall statement of the main cuts that will have to be made.

Q. Will the judicial branch's core functions be evaluated?

A. This is a very preliminary stage with a lot of discussion on what the impacts would be. This letter will show the order of magnitude of the percent reductions, and a statement will be made that the reductions submitted are not necessarily viable options.

Mr. Radwan stated that an all-day meeting has been scheduled for September 29 to discuss the current budget development review and submittal process. Judicial branch stakeholders have been invited to participate. An agenda will be distributed next week. A facilitator will help the group discuss the issues and offer up suggestions to improve the process. Results of the meeting will be summarized and brought to the Supreme Court for consideration. The meeting will be an opportunity to step back and review ideas to reaffirm and recommit to speaking with one voice regarding budget priorities and what that means branch-wise.

Open House Toolkit

Ms. Thompson stated that the idea for an open house toolkit came out of the Justice in Jeopardy Implementation Committee last year. The discussion centered around how to re-establish education about the courts with community leaders. There were two pilot open houses in King and Thurston counties, which were both successful, and they were able to learn some lessons for improvement in the future.

The pilot open houses had very good attendance by the business community, and the Thurston County Chamber of Commerce asked if they could help plan the next one. Overall, there were about 100 attendees in King County and 60 in Thurston. During the open houses, courthouse tours were available and attendees could sit in on cases. In addition, there were resource booths available for attendees and there was a lot of good interaction there.

Three counties are now considering open houses. A toolkit was created to assist courts with conducting their own open houses. The toolkit provides templates and a timeline along with suggestions. It is also posted online and will be in the judges' newsletter.

Ms. Thompson stated she would like the BJA to approve the posting of the toolkit online.

Judge Quinn-Brintnall recalls discussing this in the past, and she does not see the need to delay a vote on this to the next meeting.

Judge Quinn-Brintnall moved and Judge Garrow seconded to approve the posting of the Toolkit online. The motion carried.

Resolution Regarding Racial and Ethnic Bias in the Justice System Press Release

Ms. Thompson reported that Ms. Wendy Ferrell drafted the press release included in the meeting materials but Ms. Ferrell does not recommend releasing it because so much time has passed since the adoption of the resolution. She is also concerned about the questions regarding next steps that will most likely come forward. If the BJA is not properly prepared to answer those questions, it is probably best not to issue the press release.

It was determined that it is important to inform the judiciary about the resolution in the Full Court Press, which will be released in a few weeks. It is also available on the BJA Web site.

Chief Justice Madsen reported that the Supreme Court will take action on some of the Roundtable recommendations, and she would like the BJA to weigh in on them as a policy matter so there will be opportunities to fold that news into a future press release.

BJA Account/Audit

Ms. McAleenan stated that the last time the BJA account was audited was in 2007 and that audit reviewed the 2005 and 2006 books. The BJA account contains the dues that are collected from the judges every few years and is mainly used for travel related to Salary Commission meetings and legislative dinners. The balance is usually between \$10,000 and \$20,000.

Ms. McAleenan is not sure how much an audit would cost now, but in 2007 it cost about \$2,400 to review the accounting procedures and perform a cash audit. She asked if a regular audit schedule is something the BJA would like to establish.

A few BJA members were concerned about the cost of the audit compared to the average balance in the BJA account. It was suggested that the BJA could just get a monthly report on the BJA expenses instead of spending money on an audit.

Mr. Radwan recommends that the BJA account be audited once every three years. AOC could, technically, perform the audit but sometimes it is preferable to have an independent auditor.

Chief Justice Madsen requested that Ms. McAleenan bring some audit scenarios to a future BJA meeting.

Judicial Information System Update

Mr. Hall updated the BJA on the status of several projects of the Judicial Information System Committee (JISC).

- The Information Services Division (ISD) is continuing its transformation in how services are provided. The transformation is the result of the JISC adopting a strategic plan. The governance process and project management office are fully operational.
- The data exchange has been a priority of the JISC for a long time. They are now proceeding under a rubric of an information networking hub.
- The superior court case management system (CMS) feasibility study was completed a few months ago. The options evaluated were using the LINX system from Pierce County, a full CMS (similar to SCOMIS and calendaring) hosted centrally at AOC, and having the courts implement new systems locally. The JISC decided to pursue the acquisition of a CMS and hosting it at AOC. One of the risks identified by the feasibility study was that all stakeholder groups need to be on the same page. Justice Mary Fairhurst convened a meeting of clerks, administrators and a group from King County in late August after being informed by Representative Ross Hunter that if King County was not satisfied then the project would not be funded. The meeting went well, with some give and take, and the JISC was presented with the decision to go forward with a CMS request for proposal (RFP). It was a major milestone to complete the feasibility study and to have the JISC go forward. The RFP will be fully completed around the beginning of March.

2012 Legislative Process/Session Preview

Ms. McAleenan reported that the upcoming 60-day legislative session begins on January 9. Being a supplemental session, all the bills that died during last year's session are alive again. Those bills will need to be discussed during the course of session planning.

The BJA Legislative/Executive Committee will review legislative ideas in late September or early October and that discussion will move to the October BJA meeting with action in mind for November. Ms. McAleenan prefers to have bills ready to go no later than

the December committee days when the legislators are in town because that timeframe offers the best bet for getting the bills sponsored. If a bill is not heard in the first few weeks of the session, it is rare that the bill will receive a hearing.

Ms. McAleenan is trying to enhance communications with association lobbyists. In the past there have been meetings on Monday mornings during the session with the judicial branch lobbyists but during the upcoming session there will also be a meeting on Tuesday mornings for Ms. McAleenan to meet with the judicial association lobbyists.

A new listserv will be created for the judicial association lobbyists and the past, present and future association leaders. The listserv will allow the group to discuss basic logistics during the legislative session.

Regional Courts of Limited Jurisdiction Work Group

Judge Derr reported on the Regional Courts Work Group, created by the BJA in July. A work group roster and proposal were included in the materials. To date, the court members of the work group have met three times. The combined work group, including stakeholders from cities, counties and the legislature, will meet in October.

The group started with the following assumptions: 1) avoid the proliferation of courts of limited jurisdiction court types because they did not want to add a new court type, 2) work within a practical application, 3) maintain the integrity of the existing judicial membership because close to half of the District and Municipal Court Judges' Association (DMCJA) members are part-time judges, and 4) there is no time to recommend any radical changes to the limited jurisdiction court structure.

The court work group reviewed statutes and asked Mr. Steve Henley to look at existing contracts. They are considering a model including a hub court and possibly satellite courts. The work group recognizes previous concerns and will attempt to make sure the recommendations are practical.

In addition, they looked at the judicial needs study because they want to make sure that salary levels are at parity with the judicial needs study. A fundamental recommendation relates to administration staffing. All support staff would be full-time at the hub court and would service any satellite courts. They will also suggest that, if there is a regional court, all the cases would be centrally filed at the hub court with all information available at the satellite courts in order to try to avoid local police stating they want to file in particular courts. They are hoping that will avoid the splintering that has occurred in the past.

Recognizing the current budget, the work group will propose a cost effective system and make recommendations about centralizing services (for example pre-trial services).

By the next meeting, they hope to have a product to share with the legislative and executive branch work group members. They will all attend two meetings in October and may present their final product to the BJA on October 21.

There were some questions about the timeline and what can be accomplished in that period of time. Judge Derr will report on the project at the October BJA meeting and also inform the BJA if more time is needed.

Chief Justice Madsen thanked Judge Derr for all the work she is doing on this project.

Washington State Bar Association

Mr. Crossland reported that the next Board of Governors (BOG) meeting will be held in Seattle on Thursday and Friday and they will discuss public defense caseloads and adopt their budget, which will include a recommendation not to have a license fee increase for the fourth consecutive year.

Reports from the Courts

Supreme Court: Justice Owens stated that the Supreme Court is back in session. There are eight candidates to replace Justice Gerry Alexander and six of them are superior court judges.

Court of Appeals: Judge Appelwick expressed angst about the budget, and the Court of Appeals is trying to implement the reductions and figure out how bad the backlogs are going to be. Judge Quinn-Brintnall reported that filings are up, staff has been cut, and remaining staff hours are down, which is resulting in a growing backlog. It is really going to be a problem, and they are going to have to start focusing on the criminal cases and dependencies and deal with other cases as they can.

Superior Courts: Judge Inveen reported that the Superior Court Judges' Association (SCJA) reduced their dues by 5%. With respect to actions recently taken, they have been paying a lot of attention to the public defender caseload limits and have not taken a position on them. Their concern is the fact that they do not feel that trial court judges should be in the business in enforcing the caseload limits. It would also be very difficult to ascertain whether or not the attorneys are certified.

Courts of Limited Jurisdiction: Judge Tripp stated that the DMCJA Board met last week. They surveyed regarding DUI sanctions, and there is concern about how the ignition interlock devices are being applied in different jurisdictions. They did not adopt a position on caseload standards because they have concerns about one size fitting all.

Association Reports

Superior Court Administrators: Mr. Maiocco said the superior court administrators are very excited about the approval of MTG's recommendation to the JISC last week. Now the work begins to identify the requirements of the system. They are looking forward to their fall conference in two weeks in Pasco, which will have sessions on social media and the ethical ramifications of using social media in the courts.

Juvenile Court Administrators: Ms. Maluo stated the juvenile court administrators went over legislative strategies at their annual conference. They approved a mental health tool that all detention facilities will be implementing. Assessments.com has given them a free tool to use in detention facilities.

County Clerks: Ms. Gould reported that the 2011 County Clerk Manual has been updated. They are looking forward to the case management system and working with everyone to make it a success.

Administrative Office of the Courts

Mr. Hall stated that AOC is looking at how support is provided to boards, commissions, and committees. The project has been broken up into two phases. The BJA will be one of the first groups to use the new support model which is Phase 1. The next phase is looking at how staff communicate and coordinate and how information is provided to leadership.

The Supreme Court Budget Committee approved AOC's budget reductions. AOC eliminated 4.5 positions. One was the ADA coordinator position, and AOC will no longer be providing those services. Also eliminated was a small amount of jury source list funding and the pro tem allotment was reduced because it is not being used as much.

There being no further business, the meeting was adjourned.

The Supreme Court
State of Washington

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MEMORANDUM

To: BJA Executive Committee

From: Justice Mary Fairhurst *Mary*

Date: October 12, 2011

Re: Creation of a membership slot for the Washington State Bar Association on the BJA Public Trust and Confidence Committee

Issue: The representation of the Washington State Bar Association (WSBA) on the BJA Public Trust and Confidence Committee has consisted of an ex officio staff member of the WSBA. With the change in the type of WSBA support for public legal education, the staff member will no longer be able to serve. We are proposing to change the structure of the BJA Public Trust and Confidence Committee membership to permit the appointment of a member of the WSBA to serve a two-year term with the option of one renewal two-year term.

Rationale: The WSBA brings a crucial perspective on issues that affect public trust and confidence in the courts. With the loss of the WSBA's ex officio member, the insights and efforts of the WSBA should be preserved through a member representing the WSBA.

Action Item: Please authorize the creation of a membership slot on the BJA Public Trust and Confidence Committee for a member of the WSBA, who would be nominated by the WSBA and appointed by the BJA for a two-year term, with the option of one renewal two-year term. This would be an on-going membership slot.



WASHINGTON
COURTS

REGIONAL COURTS
WORKGROUP

***COMMITTEE OF THE BOARD FOR
JUDICIAL ADMINISTRATION***



WASHINGTON
COURTS

REGIONALIZED LIMITED JURISDICTION COURTS

BOARD FOR JUDICIAL ADMINISTRATION

FRIDAY, OCTOBER 21, 2011

1:00P.M. – 3:00 P.M.

AOC SEA TAC OFFICE

CHAIR - JUDGE SARA DERR

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II. General Business	
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➤ Meeting Minutes September 23, 2011	45
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V. Assignments and Next Steps	
Next Meeting ~ TBD	

Regionalized Limited Jurisdiction Court Services

Workgroup Roster

Name	Represents	Phone	email
Judge Sara Derr	DMCJA – Spokane County District Court P.O. Box 2352 Spokane, WA 99210-2352	509.477.2959	sderr@spokanecounty.org
Judge Darrel Ellis	DMCJA - Kittitas County District Court 700 E 1 st St Cle Elum, WA 98922	509.674.5533	Darrel.ellis@co.kittitas.wa.us
Timothy Farrell	Washington State Association of Counties		tfarrell@co.pierce.wa.us timfarrell.us@gmail.com
Representative David Frockt	House of Representatives – D P.O. Box 40600 Olympia, WA 98504-0600 5031 University Way NE, Ste 10 Seattle, WA 98105	360.786.7886 206.729.3225	David.frockt@leg.wa.gov LA – Samantha Kersul at Kersul.samantha@leg.wa.gov
Jeff Hall	Administrative Office of the Courts P.O. Box 41170 Olympia, WA 98504-1170	360.705.2120	Jeff.hall@courts.wa.gov
Leland Kerr	Washington State Bar Association 7025 W Grandridge Blvd, Suite A Kennewick, WA 99336	509.735.1542	lkerr@kerrlawgroup.net
Senator Adam Kline	Senate – D PO Box 40437 Olympia, WA 98504-0437	360.786.7688	Adam.kline@leg.wa.gov
Judge Mike Lambo	DMCJA - Kirkland Municipal Court P.O. Box 678 Kirkland, WA 98083-0678	425.587.3160	mlambo@ci.kirkland.wa.us
Judge Craig Matheson	SCJA - Benton and Franklin Counties Superior Court 7122 W Okanogan Pl, Bldg A Kennewick, WA 99336-2359	509.736.3071	craig.matheson@co.benton.wa.us
Representative Terry Nealey	House of Representatives – R P.O. Box 40600 Olympia, WA 98504-0600 26 E Main St, Ste 205 Walla Walla, WA 99362	360.786.7828 509.526.6284	Terry.nealey@leg.wa.gov LA – Meagan Allen at allen.meagan@leg.wa.gov

Yvonne Pettus	DMCMA - Tacoma Municipal Court 930 Tacoma Ave. S, Rm. 841 Tacoma, WA 98402-2181	253.591.5259	Yvonne.pettus@ci.tacoma.wa.us
Senator Cheryl Pflug	Senate - R P. O. Box 40405 Olympia, WA 98504-0405	360.786.7608	Cheryl.pflug@leg.wa.gov LA - Adam Day at Day.adam@leg.wa.gov Senate R Judiciary staff, Jackson Maynard, jackson.maynard@leg.wa.gov
Judge Kevin Ringus	DCMJA - Fife Municipal Court 3737 Pacific Hwy E Fife, WA 98424-1135	253.922.6635	kringus@cityoffife.org
Mark Richard	Washington State Association of Counties		mrichard@spokanecounty.org
Stan Strebel	Association of Washington Cities - Deputy City Manager		strebels@pasco-wa.gov
Heidi Wachter	Association of Washington Cities - City Attorney	253.589.2489	hwachter@cityoflakewood.us
Staff			
Steve Henley	Administrative Office of the Courts P.O. Box 41170 Olympia, WA 98504-1170	360.357.2123	Steve.henley@courts.wa.gov
Regina McDougall	Administrative Office of the Courts P.O. Box 41170 Olympia, WA 98504-1170	360.705.5337	Regina.mcdougall@courts.wa.gov
Caroline Tawes	Administrative Office of the Courts P.O. Box 41170 Olympia, WA 98504-1170	360.705.5307	Caroline.tawes@courts.wa.gov



WASHINGTON COURTS

Board for Judicial Administration Regional Courts of Limited Jurisdiction Project Charter

Project Title: Regional Courts Work Group

Project Start Date: July 15, 2011

Projected Finish Date: October 21, 2011

Project Sponsor: Board for Judicial Administration

Work Group Membership:

- 2 District and Municipal Court Judges' Association officers or board members, one of whom is a municipal court judge
- 1 Superior Court Judges' Association officer or board member
- 1 District and Municipal Court Management Association
- 1 Administrator for the Courts, or Designee
- 2 Association of Washington Cities
- 2 Washington State Association of Counties
- 4 Legislators (one from each caucus)
- 13 TOTAL

Primary AOC Staff: Regina McDougall
Steve Henley

Project Goal and Objectives:

Goal

- Assist BJA in crafting a legislative proposal to modernize Washington's courts of limited jurisdiction by regionalizing court services in a manner that promotes access to justice and administrative efficiency.

Objectives

1. Develop a common, high level baseline understanding among work group participants of the current structure, role, operation, and challenges for district and municipal courts
2. Identify common core principles for local court services
3. Identify key elements that must be addressed in a comprehensive plan for regionalizing limited jurisdiction court services

4. Identify areas of agreement among participating organizations about how to address those key elements

Project Benefits:

1. Promotes access to justice through consistent operating hours and services
2. Encourages coordination of administrative and ancillary services, enabling local government to benefit from economies of scale for personnel, purchasing services, facilities, and other business expenses
3. Provides a structure for delivering justice services based on local needs and population rather than artificial political boundaries
4. Creates efficiencies at the state and local levels for training and support
5. Facilitates greater focus on effective court management
6. Resolves the debate whether part-time judges should be elected

Approach:

The Workgroup is expected to meet in person four times. Subcommittees may be established meet as needed. AOC will support the Workgroup through research, drafting work products, and providing administrative support (meeting scheduling and other coordination).

Preliminary Schedule/Milestones/Deliverables:

Dates	Activities
July 2011	Preparation
August 2011	First meeting – Orientation & Identification of Core Principles
September 2011	Meetings 2 & 3: Key elements; areas of agreement
October 2011	Present Work Products to BJA
November 2011	Association Review
December 2011	BJA Action

Estimated Resource Requirements:

- Travel budget for four in-person meetings (est. \$1000 per meeting); all other meetings will be by telephone conference call/Adobe Connect
- AOC staff time: 200+ hours

Regional Courts Workgroup Meeting Schedule

Court Workgroup		
Date	Time	Logistics
September 2, 2011	10:00 AM – 12:00 PM	1-866-244-8528 Pass code 558825#
<i>September 9, 2011</i>	<i>10:00 AM – 12:00 PM</i>	<i>In person Sea Tac Small Conf Room</i>
<i>September 16, 2011</i>	<i>1:00 PM – 3:00 PM (will start after BJA)</i>	<i>In person, Sea Tac Small Conf Room</i>
September 23, 2011	10:00 AM – 12:00 PM	1-866-244-8528 Pass code 558825#
<i>September 30, 2011</i>	<i>10:00 AM – 12:00 PM</i>	<i>In person Sea Tac Small Conf Room</i>
October 7, 2011 Break		
October 14, 2011	10:00 AM – 12:00 PM	1-866-244-8528 Pass code 558825#
October 21, 2011	9:00 AM -12:00 PM	Judge Derr Presentation to BJA

Combined Workgroup		
Date	Time	Logistics
October 21, 2011	1:00 PM -3:00 PM	Large Conf Room SeaTac
October 28, 2011		TBD
November 4, 2011		TBD
November 11, 2011		TBD
November 18, 2011	9:00 AM – 12:00 PM	Vote by BJA

Regional Courts Workgroup

Committee of the Board for Judicial Administration

The 2011 proposal envisions pilot courts that follow the regionalization plan will maximize existing resources and services. The workgroup did not make radical recommendations that alter existing election laws, nor did the workgroup propose drastic changes to existing statutes or court rules that govern limited jurisdiction courts. The proposal recognizes the strength of existing limited jurisdiction court models, target areas where consistency would generate process-type improvements, and build incentives for courts to “test” the model elements outlined in the proposal. It is premature to drastically alter the limited jurisdiction court structure with this proposal. The evaluation of pilot courts will guide the direction of the longer term project and validate or alter the vision that BJA adopted in 2004.

Overview

- Launch a strategy to evaluate the regional courts model, and the variations under the regional court structure, by focusing on jurisdictions who already have a contracting relationship or that need minimal modification to fit the definition of a “Regional Limited Jurisdiction Court”
- The evaluation will focus on the (1) efficiency of court operations and services and (2) satisfaction of staff, law enforcement and the other court users
- Recognize limitations of current budget by proposing a cost effective strategy that builds support for a court structure focused on efficiency and program enhancement without sacrificing authority, presence in the community, or public safety
- Clearly identify roles, power, and relationship of local executive branch (Regional Court Districting Committee) and the judicial branch (Presiding Judge)
- Eliminates previous distinction between district and municipal courts and judicial officers (exception in civil case types)
- A clear path for court re-organization based on factual efficiencies in court operations will result from the pilot court management evaluation
- Relies on existing expertise in court management evaluation at the Washington State Center for Court Research
- Engages the limited jurisdiction court association (DMCJA)

Decisions for BJA

- Does the BJA support the direction outlined in the proposal?
- To move forward, should the BJA pursue a study bill via the legislature or identify pilot courts independent from the legislature? Under either scenario, BJA must direct a communications plan with outside stakeholders.
- What is the strategy for the BJA to (1) determine the cost of the evaluation and (2) find existing resources to fund the evaluation via the Washington State Center for Court Research?

Regionalized Limited Jurisdiction Model Court Proposal

Outline

- I. Preface
 1. Problem Statement
 2. Vision
 3. Goal and Objectives
 4. Authority
- II. Basic Agreements
 1. Principles
 2. Incentives
 - a. Fiscal
 - b. Operational
 3. Scope of Proposal – Short and Long Term
- III. Regionalized Limited Jurisdiction Model Court Elements
 1. Organization
 - a. Judicial Branch – Presiding Judge Authority and Duties
 - b. Executive Branch – Regional Court Districting Committee
 - c. Unit of Regionalization
 - d. Contracting Jurisdictions
 2. Operations
 - a. Mandatory Model Regional Court Elements
 - b. Variations Under Model Regional Court
 - c. Technology Enhancements
 - Universal Cashiering
 - Consistent Imaging Systems
 - Video Conferencing
 - Risk Assessment and Pretrial Services
 3. Services – Access to Courts
 - a. Probation and Pretrial Services
 - b. Defense and Prosecutor Services

IV. Pilot Courts

1. Standards and Requirements
2. Demographics

V. Recommendations

1. Transition Plan and Fiscal Request
2. Pilot Evaluation
3. Statutory Changes

I. PREFACE

The 2011 project plan to regionalize limited jurisdiction court operations and services is outlined in a Board for Judicial Administration (BJA) approved charter that requires participation from various court levels and other stakeholder groups. The workgroup will conclude its work with recommendations to the BJA at the November 2011 meeting. The project plan considers court reform that can be applied along a continuum, with varying levels of reform that limited jurisdiction courts could opt into based on clear incentives, whether related to fiscal benefits or service enhancements. The model court plan also defines an organization design intended to maintain local authority over administration and contracting.

➤ Problem Statement

The *Court Improvement Act* of 1984 directs cities of fewer than 400,000 in population to organize their courts in one of three ways:

1. Form an independent stand-alone full or part-time court,
2. Enter into a contract with the county and file cases with the local district court, or
3. Create a municipal court within the local district court system (now repealed with existing courts grandfathered in under this option)

This creates the proliferation of courts and confusion for the public. Only limited jurisdiction courts have statutorily allowed for formation options, which causes differing court types among Municipal and District Courts. As a result, there are inconsistencies in levels of administration, services, and case types processed. There are no requirements for regular or mandated training for the court administration, either through the court clerks or the managers' association. In small jurisdictions, the responsibilities of the clerk vary greatly and their attention to court business might be sporadic causing inadequate administrative support for the court business. The proposal addresses this weakness as one of the core mandatory elements of a regionalized limited jurisdiction court.

Another example of inconsistent services delivered at the limited jurisdiction level is for misdemeanor corrections or probation services. Some courts have an active probation department with strong advocacy of a presiding judge which provides opportunities for alternatives to confinement, risk assessment, or pretrial services. In other courts these services are not available. It is the goal of the proposal to give support and fiscal incentive for regional courts to provide equal services to the jurisdictions that fall within the regional court.

Other potential weaknesses addressed in the proposal that result from limited jurisdiction court structures relate to the election or selection of judges, contracts hiring part time judges, and no parity in salary rates between district and municipal judges especially part time judges. The only case types that municipal courts do not process are civil cases (including but not limited to small claims, anti-harassment, and domestic violence). Under a regional courts model, judges full or part time, are regional judges, and their salary will be equal to a district judges' salary. A long term goal of the project is for all regional courts to process cases indistinguishable from district court cases, including civil case types currently handled in district courts but not in municipal courts. This proposal does allow for a regional model of multiple municipal jurisdiction courts that can possess jurisdiction to process limited types of civil cases.

City-municipal and county-district courts are given clear jurisdictional authority and limitations to dispose of certain case types. The proposal to regionalize limited jurisdiction courts will provide an opportunity for courts to regionalize court operations, services, and administration on a pilot basis authorized under Title 3 RCW. The model court proposal details a standard process to regionalize jurisdictions with a goal to minimize confusion by improving coordination of services and operations for court staff, local authorities, and the public.

➤ **Vision**

Court operations and service delivery evolve over time as courts try to be more accommodating to their communities. Helpful innovations spread from court to court, legal requirements for court operations change, and local and state taxpayers demand increased efficiency and access to court services. For example, as technology advances, courts have increased access to information which can influence decision making and provide administrative structure potential to manage fiscal accounts across jurisdictions. Increasingly research and evaluation help guide choices about government operations, programs, and spending. Courts' administrative structure, organization, and service delivery systems should be monitored and reviewed periodically to assess whether change is warranted. As research advances, programs and basic knowledge about reducing recidivism and offender management systems will influence court sentencing services and case management.

As a whole, Washington Courts need to be responsive to these advances and seize opportunities to improve delivery of basic services. The project plan for Regionalized Limited Jurisdiction Court enhancements address a particular set of innovations based on the concept of coordinating limited jurisdiction court

operations, administration, and services to reflect the contemporary demand for fiscal efficiency and system improvements.

➤ **Goals and Objectives**

The charter for the 2011 regional courts workgroup articulates the narrow scope of the current project, while the underlying research and reports punctuate the need for a deliberate evaluation of court structure that allow for measured enhancements that might include multiple phases. The short term purpose for the 2011 workgroup is to:

"Assist BJA in crafting a legislative proposal to modernize Washington's courts of limited jurisdiction by regionalizing court services in a manner that promotes access to justice and administrative efficiency."

The workgroup is tasked to consider four objectives in developing the proposed model to regionalize limited jurisdiction court operations. The objectives will be addressed by reconfirming previous agreements as part of the short term 2011 project. There are additional elements that need further evaluation that should be included in a longer term strategic recommendation that includes various phases of development, design, and implementation.

1. *Develop a common, high level baseline understanding among work group participants of the current structure, role, operation, and challenges for district and municipal courts*
2. *Identify common core principles for local court services*
3. *Identify key elements that must be addressed in a comprehensive plan for regionalizing limited jurisdiction court services*
4. *Identify areas of agreement among participating organizations about how to address those key elements*

➤ **Authority**

The proposal will include a model court structure to regionalize limited jurisdiction court organization, operations, administration, and services. The model court design provides flexibility in implementation as long as three basic elements are followed. First, the regionalized court must have a functioning Regional Court Districting Committee, which expands on the current authority and membership of the current districting committee. The Regional Court Districting Committee will identify a hub court that will operate as a fully staffed limited jurisdiction court; . The second required element of regionalized limited jurisdiction courts is the election of a presiding judge and selection of a full time court administrator, both who sit at the hub court. The administrative structure, including the

presiding judge and court administrator, are responsible for overseeing all court operations and case processing among the contracting jurisdictions. The duties and scope of authority for the presiding judge must be consistent with General Rule 29. Lastly, the regional court must maintain standards for record maintenance and entry into the statewide court data management system, the Judicial Information System (JIS).

The model court elements include practical amendments to current operational structure aimed at coordinating services to better meet the principles of limited jurisdiction courts. The recommended alterations do not mean to suggest that other models of limited jurisdiction court delivery are inadequate, just to highlight areas of improved efficiency without sacrificing public responsiveness, safety, local input, resources, or staff services.

The 2011 workgroup proposal is consistent with current statutorily authorized court formation options. Also, the elements of the proposal do not violate or cause reason to amend existing court rules. It will not disturb the contracting authority or role of the local branches of the judicial and executive branch functions. What the proposal does is recommend a strong framework for pilot court implementation with thorough and objective management evaluation. The pilot selection will include both existing variations of contracting jurisdictions and newly created contracting jurisdictions. Once the pilot period concludes, four years total, the strategy to regionalize court jurisdiction to maximize efficiency without losing connection to the communities they serve will be clearer than it is today. The longer term reform efforts will be based on factual and statistical evaluation of court performance, not nuanced subjective assumptions.

The final proposal will be submitted to the BJA, which set forth the goals and objectives for the 2011 project, at its November 2011 meeting. The workgroup will make recommendations as to model court structure, design, implementation issues, and incentives to the BJA on the final proposal. Whether or not it is appropriate to advocate for legislative activity in the 2012 Legislative Session will be at the discretion of the BJA. The conclusion of the model court proposal will include steps for longer term goals related to regionalizing limited jurisdiction courts.

II. BASIC AGREEMENTS

Because the assignment to design and recommend a model regional court strategy has been attempted and analyzed extensively in Washington State, the 2011 workgroup reviewed previous literature, reports, and bill drafts. In each of these attempts, there were significant obstacles that blocked implementation from interested stakeholders from within the judicial branch and outside. While the new proposal mirrors the previous efforts in some ways, we are cautious to solicit input from internal stakeholders and those who represent other branches of state government.

Our attempt is to build consensus on court structure issues that better use existing resources without excluding key and influential stakeholders. Most importantly, the model court design is intended to be an optional regionalization for courts interested in maximizing resources, looking to increase the level of professional staffing, and enhancing service delivery. Meanwhile, the organizational structure will be largely driven by the local governments representing each jurisdiction that opt into the regional court.

➤ Principles

For a court reform project to be clear, focused, precise, and directed, the proposal must rely on an agreed set of strong principles that underlie core elements of change. In 2004, the Court Funding Taskforce's Courts of Limited Jurisdiction Workgroup agreed to six principles for delivering Limited Jurisdiction Court Operations and Services. In October of 2004, the BJA unanimously voted to adopt the principles as written.

The 2011 workgroup reviewed the six principles and endorsed their relevance in designing a regional system of limited jurisdiction courts. "These principles and concepts will provide the analytical framework for current and future proposed legislative and rule changes related to the courts of limited jurisdiction." (2004)

- I. Courts will maintain their constitutional role as a separate, equal, and independent branch of government.
- II. Courts will be structured and function in a way that best facilitates the expeditious, efficient, and fair resolution of cases.
- III. Courts will be accessible to the community they serve and provide services that enable the public to navigate through the court process with a minimum of confusion.

- IV. The primary mission of the courts of limited jurisdiction is to expeditiously, efficiently, and fairly resolve cases and serve the residents of the community, not to generate revenue.
- V. Courts will operate in compliance with court rules and statutes.
- VI. Courts will be administered with sound management practices, which foster the efficient use of public resources and enhance the effective delivery of court services.

➤ Incentives

The regionalized limited jurisdiction court proposal describes an opt-in court structure for cities and counties to regionalize services and operations that results in increased efficiency and responsiveness to court customers. As part of the structural enhancements, the proposal includes fiscal and operational incentives that will provide practical improvements to courts.

Fiscal

The workgroup considered previous proposals made when the economy was more stable and attempted to cautiously pinpoint areas where enhanced state resources would stabilize operations and services. To encourage participation as pilot courts, the workgroup recommends a state revenue source be accessible to pilot courts to fund transitional costs associated with structural changes to regionalize administration and services. The fund would be held at the Administrative Office of the Courts (AOC) and pilot courts could apply to use funds for costs associated with staff shifts, facility alterations, technology enhancements, improvements to security, or services such as centralized probation or prosecution.

Probation and pretrial divisions serving across jurisdictions are preferred under the regional courts model. Redesigning supervision offices that serve multiple jurisdictions, city and county, requires careful negotiation that would fall under the authority of the presiding judge. Regionalizing services in a regional court design could oversee and enforce professional standards, ensure supervision is accountable, support projects to track re-offense rates, improve data evaluation, and stabilize funding. The proposal will not dictate that probation or pretrial services be regionalized in the pilot sites, but at least one pilot will include a regional supervision office and be subject to evaluation.

Ultimately, the vision is that supervision services will be revenue neutral and self-sustained with probation fees. The presiding judge must advocate with the Regional Court Districting Committee (RCDC), through the contracting process, that funds generated by probation fees

not go into a general fund account but are specifically dedicated back to staffing probation and pretrial services. While it will not be necessary under all contracts to regionalize jurisdictions, start up funds should be available to jurisdictions that need to make facility changes, technology modifications, and staffing adjustments. Start up funding will be available during the duration of the pilots and as requested by the presiding judge. Funding for supervision services will need to be requested through the BJA and held at the Administrative Office of the Courts, Management Services Division. Instructions to apply for funding will be developed and distributed once pilot sites are selected.

Operational

Under a regional court model various services will be coordinated and streamlined, maximizing efficiency because of an economy of scale. A shared resource of services can greatly enhance the court operations related to probation, supervision, risk assessment delivery, security, interpreters, cashiering, ticket entry, and records maintenance.

Under the current structure, and in particular in smaller and rural jurisdictions, these services are the most vulnerable to local budget reductions. By regionalizing the administration of these functions, they become a standard and expected service that is more sustainable. Records management will be a standard expectation for all regional court contracting jurisdictions. By centralizing the administration of the regional courts, there is an expectation for increased level of conformity for record entry through the statewide data recording system, the Judicial Information System (JIS).

The issue of security is often an afterthought to counties and cities in court facilities. Funding security is not mandated in statute and currently operates on a large continuum of professional standards. In a regionalized court structure, at a hub court, a minimum mandate of security will be an element of a pilot program that is subject to a management evaluation. If security is a new budget item for the contracting jurisdiction, then seed funding or other strategies for funding will be developed as a pilot implementation item.

➤ **Scope of Proposal**

To responsibly propose a regional model for courts of limited jurisdiction, the workgroup contemplated various issues that cause courts to resist changes to their current structure. Within the scope of the proposal, the workgroup has made recommendations for pilot courts as to (1) what model court elements would be mandated, (2) which would be optional, and (3) which ones fall beyond the scope of the current project. That said, once a thorough management evaluation of the pilot sites is concluded, some of the items charted below might change or be resolved. Once the pilot sites are underway, a comprehensive evaluation of the pilot sites will be conducted by the Washington State Center for Court Research. The evaluation of the pilots (see section IV) will provide further policy direction on addressing the barriers.

During the development of the proposal, the workgroup was cautious to respectfully consider current models of regionalization, what works in these court locations and what could be improved as a result of a regional court reform. It is the intent of the proposal to maintain a substantive role for the local legislative/executive representatives in the model court design (see section III).

The table below shows what the pilot-based proposal addresses (short term) and what outstanding issues are not covered in the proposal (long term).

Short Term	Long Term
Identify model court elements required in pilots	Unit of regionalization - countywide v. Population
Identify optional elements as that are preferred but not mandated in pilots	Standardize contracts or inter-local agreements
Provide cost estimate for start-up funding for regional court pilots - list eligible services where funding can be applied	Post pilot, review benefits/obstacles of further mandated consolidation (prosecutor and/or defense attorney)
Outline operational and funding incentives	Traffic Violation Bureau
Design role of regional court districting committee (RCDC)	Election district impacts if regional court spans more than one county
Highlight strategy to simplify access to court services and operations for staff, law enforcement, and the public	Jail system support
Security in regional hub courts	Single court of limited jurisdiction – including all case types

The topics identified in the long term column will be informed by the evaluation of the pilot courts. The knowledge gained from the pilot courts will assist in designing an implementation structure that can be widely applied in Washington Courts. At that point, the set of core elements will have been challenged and evaluated. The variations under the proposal will be compared side to side and measured for efficiency and level of production. The need for stable state funding assistance to regionalize limited jurisdiction courts will mainstream the concept and encourage court leadership to see the advantages to a system of regionalization. Once these outcomes are better defined, the statewide judicial branch leadership will need to call upon stakeholders in the field to design an implementation strategy for wider application of the regional court model.

III. REGIONALIZED LIMITED JURISDICTION MODEL COURT ELEMENTS

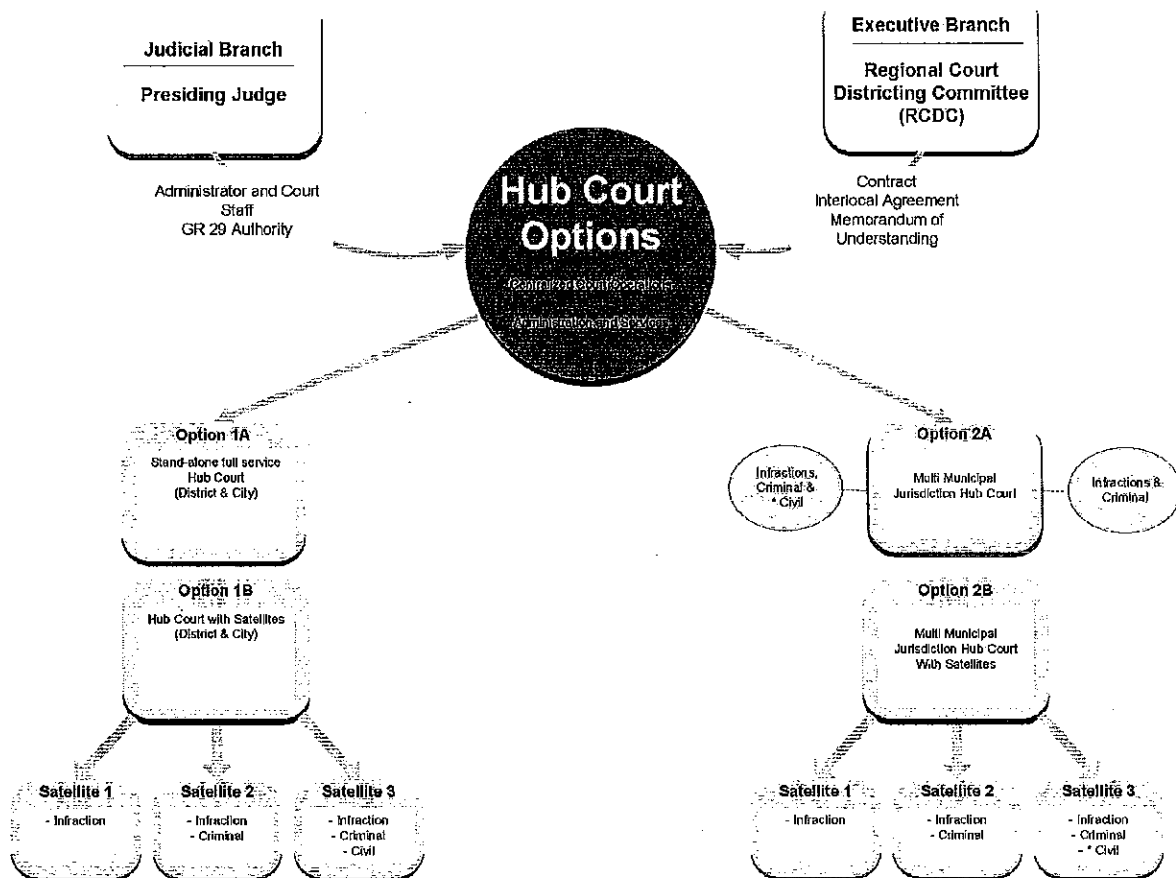
This section provides a recommended blueprint to regionalize limited jurisdiction courts, identifying administrative enhancements without diminishing the role and presence of courts in local communities. The proposal for limited jurisdiction courts' regionalization may be structured differently, but have consistent core elements. It is the goal of the workgroup to provide options on various structural elements of the model court design but maximize opportunity for increased efficiency by standardizing local authority, administration, and leadership.

Each of the models for consolidation proposed by the 2011 workgroup consists of full time, dedicated regional court administration, located at the identified hub court. The other stable and pivotal administrative element in the model court plan is the presiding judge's presence and oversight of the hub court and any satellite courts. The court structures detailed below include short and long term regionalization recommendations, but stabilization and a standard level of professional service from those with administrative roles (presiding judge and administrator) is the fundamental cornerstone of the proposal.

Further, the proposal relies on a revised Districting Committee for pilot sites to expand their authority, scope, and membership in order to provide a transparent implementation strategy that includes the decision makers in each jurisdiction under the regional court regionalization plan. The proposal maintains the role of the local jurisdiction executive branch, authorize to negotiate between contracting jurisdictions.

➤ Organization

In the regional court organizational model, the presiding judge and the authorities granted under GR 29 have ultimate administrative responsibility for the operation of the court and staff. By the same measure, the executive branch, through the Regional Court Districting Committee (RCDC), has authority to negotiate contracting elements between coordinating jurisdictions.



**Civil Jurisdiction under Option 2 applies only to civil anti harassment and domestic violence cases, allowable in municipal court jurisdictions where authorized by ordinance*

Judicial Branch

The role of the presiding judge, in any jurisdiction, is to lead and manage the court. The entire scope of responsibilities of the presiding judge position is detailed in General Rule 29.

"The presiding judge is responsible for leading the management and administration of the court's business, recommending policies and procedures that improve the court's effectiveness, and allocating resources in a way that maximizes the court's ability to resolve disputes fairly and expeditiously." (GR 29(e))

Under the regional court model, the judges in the joint regional jurisdiction will select the presiding judge with the expectation that the presiding judge will sit at the hub court. Election of the presiding judge is authorized in GR 29 (a)(1) and the term established under the rule is for a period of 2 years. Once selected, notice of the presiding judge appointment will be transmitted to the Chief Justice of the Supreme Court within 30 days.

The presiding judge has administrative authority over non-elected court staff, including the court administrator. The court administrator of the regional court will report directly to the presiding judge under this model.

Salaries for judicial officers under the regional model will follow the guidelines of the Washington State Salary Commission, and judicial officers will be paid on par with the current District Court Judge salary. Joint payment for the cost of the judicial officers will be determined by the RCDC under the inter-local agreement and any further memorandums of understanding. Standardized requirements for certain payment contributions of coordinating jurisdictions will not be a mandatory element of the pilot courts, but may be considered in a long term proposal regarding regionalized limited court operations.

Executive Branch

A District Court Districting Committee, designated under the executive branch of local jurisdictions, is responsible for a plan for “the districting of the county into one or more district court districts” (RCW 3.38.020). The current districting committee is convened at the request of the county prosecutor, with no routine schedule. The county’s districting committee plan includes: court locations, number of judges and commissioners, and designation of resources. Practically, the districting committee’s plan is a recommendation to the county legislative authorities, and the plan is revisable before it is adopted.

The 2011 workgroup recommends that a subcommittee of the Districting Committee be formed *for pilot courts*. For the duration of the pilot, this subcommittee would be referred to as the Regional Court Districting Committee (RCDC). For the pilot court jurisdictions, the RCDC will have responsibility for limited jurisdiction court planning, contracting between jurisdictions, revenue sharing, implementation costs, and facilities. At a minimum the membership will include mayors or designee from each city represented in the regional court regionalization, the court administrator, and presiding judge for the hub court. Additional membership will include elected local officials for cities and counties involved in the regional court. The RCDC will meet at least quarterly during the duration of the pilots.

The RCDC will have authority, within the structure of the Judicial Needs Estimate, to identify the number of judicial officers (judges and court commissioners) in each regional court combined jurisdiction.

If this structure is followed in earnest during the duration of the pilot sites (estimated four years), the resistance and threat about removing the court operations from the cities would be largely mitigated. Each representative would contribute their authority to the larger interest served under the RCDC to reform the existing court structure into a system focused on streamlined efficiency that enhances the delivery of court services.

Unit of Regionalization

The 2011 workgroup proposal for pilot sites is optional for courts to participate. The intent of the short term pilot-based proposal is to identify and secure various structural and fiscal incentives to encourage coordination for limited jurisdiction courts. The proposal will not mandate units of regionalization in this draft. A longer term proposal to regionalize limited jurisdiction courts will require additional development, analysis, communication, and additional layers of political discussion (regarding cross jurisdiction elections).

Jurisdiction

A regional court located in a district court, identified above as Option 1A, would have the full criminal and civil jurisdiction of a district court. A regional court with a district court hub and multiple satellites, identified above as Option 1B, could be structured to process all case types in a satellite court. However, a regional court comprised of municipal courts without a district would, under current law, have the lesser criminal and civil jurisdiction currently extended to municipal courts. With regard to civil jurisdiction, under existing law the only civil cases a municipal court can hear are petitions for injunctions in domestic violence and harassment cases, and then only where the municipality has authorized such jurisdiction by ordinance. In the longer term statutory change could be sought to allow municipal court civil jurisdiction to be expanded.

Contracting Jurisdictions

Today, there are various versions of inter-local agreements, contracts, and memorandums of understanding that exist between cities and counties to provide limited jurisdiction court services. They exist as a clear way to determine revenue and responsibility between jurisdictions. In general the inter-local agreements include provisions related to:

- Administrative responsibility (court staff, filing and recording);
- Funding Models
 - Per-filing basis
 - Percentage of revenue based on fines and fees
 - Pro-rata share of total costs, calculated and adjusted annually
 - Lump-sum amount
 - Smaller lump-sum plus actual cost for defense, prosecution, other
 - City share of sales and use tax collected by county (under 82.14 RCW)
 - All fines and fee revenue, plus \$50,000 from 82.14 RCW taxes for prosecution
- Related costs (i.e. jail, facility, jury pools, interpreters, security);
- Case types;
- prosecutor and defense services; and
- probation and advocacy services.

Again, it is not the intent of the short term 2011 project to dictate how pilot jurisdictions contract with the identified hub court. While there are advantages to the various

contractual arrangements, they all reflect the current needs of the contracting parties. It will take extensive evaluation to determine if any one contracting arrangements is favored over another.

➤ Operations

The proposal includes a couple of basic models to regionalize limited jurisdiction court operations. There are three major requirements that are consistent in each model.

1. The RCDC identifies a hub court that will centralize court operations, administration, and services. With the jurisdiction of a district court this court will operate as a full service court that processes all limited jurisdiction case types (civil, criminal and infractions), or as a multiple municipal court in which case the court would process limited case types (criminal, infraction, anti-harassment, and domestic violence).
2. Each hub court will house the presiding judge, centralized administrator, and court staff. This will be the official location for filings, records, and data entry.
3. The contracting jurisdictions will maintain standards for records maintenance and entry into the state judicial system.

As long as the three required elements identified above are met, the method of regionalization may vary based on local needs and contract negotiations between county and cities (county + cities or cities + cities). The consistent factors in the model court recommendations for the short term proposal are the RCDC, election of the presiding judge by all judges in the regional court, and appointment of the court administrator by all judges in the regional court. The RCDC is responsible for identification of the hub court. The hub court will be a fully functioning centralized court structure, including operations, administration, and services. The only variation under the required elements is related to the multiple municipal jurisdiction court option, where the presiding judge will determine if the court will manage civil case types or not. Civil or small claims cases may be processed by the regional court if the district court is a part of the regional court or if the multiple municipal jurisdiction court decides to expand their services to include civil cases.

The variation in the court model recommendations is whether the hub court operates:

- (1) As the sole central court in the regional court model, or
- (2) If the RCDC decides to authorize satellites as an extension of their regional court model, or

(3) If the hub court represents multiple municipal court jurisdictions, the RCDC, in conjunction with the court's presiding judge, can decide to add civil case types to their court process or continue to exclude them

Under the proposed court model the RCDC will have representation from all jurisdictions within the regional court and the structure will be based on the needs of the local communities.

Under this model, the efficiencies and professional standards of the full-time staff and administration at the hub court will enhance operations and services delivered under the regional court model. While there may continue to be part-time regional judges serving in the satellite courts, administration and staffing will be from the hub court. Further variation is possible under the satellite option. Based on the decision of the RCDC, a satellite might solely process infractions and not offer a full scale court processing of civil and criminal cases. Further, under option 2A or 2B representing the multiple municipal court jurisdictions, the RCDC will decide if the case types processed at the hub location will include civil anti-harassment, or domestic violence cases.

The workgroup will not make a recommendation on the ideal split in workload in this report. It is the recommendation of the workgroup to have pilot courts operate as a sole hub court, as a hub court with satellites, and cooperating municipal jurisdictions expanded and not expanded to process civil case types. Demonstrations of these models will provide a wide variety of elements to evaluate for efficiency, service enhancements, and court customer and staff satisfaction.

The model court proposal, based on minimal structural changes, provides the court an opportunity to access various operational enhancements. Providing courts access to technology improvements will have a direct and immediate impact on case processing, particularly if the regional model includes satellite courts. The concepts below have a direct advantage to court personnel, will provide judicial officers more information on which to base decisions, improve public safety, and increase convenience for court customers. The technology enhancements recommended in the proposed court model include universal cashiering, consistent imaging systems, video conferencing, and use of a risk assessment and probation services in criminal cases.

1. Universal Cashiering at Hub and Satellite Courts

Each court that operates under the regional court model within a region will have the ability to collect payments at any of the satellite sites. A memorandum of understanding, or some other contract, will need to carefully detail how funds are transferred between court sites. The hub court will be the central repository and responsible for receipting and record maintenance.

2. Consistent Imaging System – Sharing Documents

Most courts have independent imaging systems to scan, store, and access court records electronically. Courts, generally, can access these files in court from the bench. Imaging requires clerks and/or court staff to image the records into the system for convenient viewing. In a regional court model that includes satellite courts, a consistent imaging system is needed to guarantee complete access to court records. Access to previous court records is particularly important in civil cases involving domestic violence or anti-harassment. Courts should access all history related to the parties in these civil cases, which will improve the judicial officers' knowledge to provide adequate protections.

3. Video Conferencing

Video conferencing is a commonly used technology in many court jurisdictions. To streamline case processing in a regional courts model, courts should have access to sophisticated video conferencing equipment. Under this model, if various cities are using one hub court, hearings can be facilitated via video conferencing from the jail to the courtroom, reducing travel time and transport expense while at the same time protecting the rights of all parties. The video conferencing system may also be used to take testimony from law enforcement or witnesses.

4. Use of Risk Assessment/Pretrial Services

Access to a validated static risk assessment tool is being designed to be used by trial courts. The tool provides an automated method to calculate a defendant's risk of re-offense, short and long term. The additional information on risk characteristic, for a trial judge, can assist in determining appropriate conditions of release, confinement alternatives, sentencing and services for an offender. The assessment tool will be automated and accessible to all limited jurisdiction courts. If the regional court model stabilizes professional probation services, then the advancement of utilizing an actuarial based and static risk assessment tool lends additional information to the trial judge, jail staff, and supervising agency.

➤ Services – Access to Court

One of the primary considerations in making recommendations for the regional courts model is to enhance efficiency by regionalizing *without* causing additional inconveniences for court personnel, law enforcement, or the public. It is for that reason that the model court described above has optional satellite courts which provide thorough services while at the same time accommodating court staff and judges. In order to provide reasonable accommodation for access to the hub court, various court related services need to be considered.

A hub court implies that the location is central to the various jurisdictions it serves. If the distance of the hub court is too far away from contracting jurisdictions such as outlying cities, court services become inaccessible without satellite access. It is not the intent of this

work product to recommend a centralized limited jurisdiction court system as preferred over a court model with local presence in a community. Our goal is to enhance and professionalize limited jurisdiction courts by centralizing the authority and administration while providing incentives to improve case processing. If the authority and administration for a regional court can be located at the hub court, satellite court operations will maintain the presence in local communities and increase access to professional level court services.

One of the key considerations to the proposal is the enhancement of technology to streamline court operations and direct resources to improve court business. Availability of a singular imaging system between contracting jurisdictions and the use of video conferencing would allow for consolidation without sacrificing services to local court users. These enhancements are relatively straight forward; training and usability are not at issue and are easily implemented.

Probation and Pre-Trial Services

Misdemeanant probation departments, or pre-trial services, exist in limited jurisdiction courts but only if the court elects to establish one. Misdemeanant probation departments are governed by ARLJ 11. In Washington, probation departments might serve under the court or the jail, and many others operate as outside contractors with the county or city.

"The method of providing these services shall be established by the presiding judge of the local court to meet the specific needs of the court." (ARLJ 11)

The recommendation to regionalize court administration includes standardizing and stabilizing the misdemeanor probation departments that would serve the entire regional court jurisdiction. Various outposts for probation services could mirror the areas where regional courts have satellites. Under the model court design, the workgroup recommends that the presiding judge and the court administrator have management responsibility and fiscal oversight of the probation departments. Funding a probation unit that covers multiple jurisdictions of cities and the county would require fiscal contribution by the contracting jurisdictions. The details of the contribution and organization would be contained in the contract.

As mentioned in the previous section, under this proposal the pilot regional courts that require additional resources to regionalize supervision services will have access to one-time and temporary resources to account for facility, technology, and staff alterations. The workgroup anticipates that, based on the organizational structure decided by the RCDC, that fees for probation services will adequately fund the unit responsible for supervision in the long term.

Defense and Prosecutor Services

In reviewing courts that have already regionalized under existing statutes, the workgroup has documented structures where court jurisdictions share prosecutor services and defense services, share prosecutor but each jurisdiction maintains separate defense contracts, or have entirely separate prosecutor and defense services within the multi-jurisdictional court. Ideally, the regional court structure would be supported by centralized prosecution and defense services. With centralized prosecution and defense, the administration of justice can be managed more consistently and fairly relating to scheduling, pleas, sentencing, alternative programs, confinement, and violations. While recommended, centralizing prosecutor and defense services is not a requirement of this regional court model. It is a component that should be closely tracked in the longer term evaluation of the pilot sites.

IV. PILOT COURTS

The concept behind the pilot court proposal is to select a variation of structures under the regional court model, assuming that the three mandatory components can be met, and institute a thorough evaluation of the management of the court operations, administration, and services. As part of the model court plan, the workgroup identified the required elements of the pilot courts and recommendations on some of the options available under the regionalized limited jurisdiction court model for pilot courts.

The workgroup recognizes that to encourage participation, the model court design for the pilot courts must target areas of the existing structure that can be altered to gain efficiency without upsetting the balance between local judicial and executive branch roles.

The selection process for pilot courts will require detailed planning and evaluation to ensure that as many of the variables as possible under the model can be tested. The section below includes a high level recommendation for suggested pilot court selection. The 2011 project plan will rely on an evaluation of court management from the pilot courts. Those pilot courts need to represent the multiple key variations allowed under the model for regional courts of limited jurisdiction. The options basically fall under two categories. The first structural option is for a hub court combination of a district court and at least one municipal court, with optional satellite outpost courts. The second structural option is the hub court combination of multiple municipal jurisdictions, with the options of satellite courts and/or adding civil jurisdiction for anti-harassment and civil domestic violence. The pilot court selection should include at least one of each structural option.

The workgroup recommends at least four pilot sites to meet all of the options identified under the model court scenarios. The pilot courts might be existing contracting structures or might include newly contracted jurisdictions. The structures include:

Structure	Description
Pilot Court #1-A	The pilot court structure under option #1-A is a stand-alone hub court offering full court processing of infractions, criminal, and civil cases. Under this scenario, the hub court has a presiding judge, full time staff and administration, and preferably offers regionalized misdemeanor probation and prosecutor services. Pilot court #1-A will include contracting jurisdictions of at least one district court and one or more municipalities.
Pilot Court #1-B	The pilot court structure in option #1-B is similar to option #1-A in that the hub court must house the presiding judge and full time court administration (and staff). Under this scenario, one or multiple satellite courts would exist under the direction of the hub court. While the hub court will offer full court access to infractions, criminal and civil cases,

	the satellite court might not handle the full array of case types. Pilot courts under option #1-B will include at least one district court and one or more municipalities.
Pilot Court #2-A	The first option under the second pilot court scenario will be a hub court structure that contracts between multiple municipal courts. The case types managed under this option will either be limited to infractions and criminal cases OR expand the case types managed to include civil anti-harassment and domestic violence, criminal and infraction. Similar to pilot court options #1, the hub will require a presiding judge, full time staff and administration, and preferably offers regionalized misdemeanor probation and prosecutor services. Pilot courts under option #2-A will include at least two municipal courts, but could include many more than two municipal jurisdictions.
Pilot Court #2-B	The second option under the second pilot court scenario is identical to the pilot court described in #2-A, a multiple municipal jurisdiction court that had discretion on case types (include civil cases- anti-harassment and domestic violence or not). The hub court requirements are also the same. The difference is that option #2-B allows for satellite courts managed centrally by the hub court. Pilot courts under option #2-B will include at least two municipal court jurisdictions but may include more than two municipal jurisdictions.

➤ Standards and Requirements

The pilot courts must agree to meet the requirements listed in the Model Court Elements (section III). The hub court will provide centralized court operations, administration, and services. The presiding judge, court administrator, and court staff will be housed at the hub court. The presiding judge is responsible to oversee the workload. One condition to be a regional court is that electronic records must be entered into JIS, the statewide case management system

By agreeing to operate as a pilot court, and once selected, the presiding judge and RCDC can expect to be eligible for state resources to offset the regionalization costs associated with the joining jurisdictions. The pilot courts will also benefit from investment associated with equipment to enhance operations, for example imaging systems and tools for video conferencing. The pilot sites will benefit from having evaluation of the court structure and practices in their joint jurisdictions and ongoing recommendations on structural enhancements to improve efficiency. Lastly, part of the long term strategy related to regional court services is to provide statewide technical and court level support to the pilot courts through the AOC .

The executive and judicial leaders in the court jurisdictions included in the pilot regions need to agree that their responsibilities under the regionalization plan can be met. For the existing districting committee, that means that they agree to create the RCDC to work with the contracting jurisdictions to identify the hub court, number of judicial officers, and payment for regionalized services and operations to be paid between the jurisdictions. For the direct oversight and administration over the court operations, the judicial officers will select a presiding judge whose duties are prescribed in GR29.

It will be the joint responsibility of the presiding judge and the RCDC to determine if the regional court will apply for start-up funding. If pilot courts decide to seek funding, detailed instructions will be developed as part of the implementation design. The instructions will include an outline of reimbursable expenses eligible for state resources.

➤ **Demographics**

The pilot court concept is to select a wide range of courts to demonstrate strengths and weaknesses of each strategy of court management. The ideal site selection for pilot courts will include at least one of all four options outlined in the Model Court Elements (section III): a centralized stand-alone hub court, a hub court with satellites, a multiple municipal jurisdiction court, and a multiple municipal jurisdiction court with satellites.

Evaluating the variables regarding contracting for services such as prosecutor, defense, probation, and jail would add tremendous insight as to the best recipe for regionalization once the pilot period ends.

Lastly, geographic location and size diversity should be considered in pilot site selection.

V. Recommendations

The 2011 regional court workgroup proposal envisions pilot courts that follow the regionalization plan will maximize existing resources and services. The workgroup did not make radical recommendations that alter existing election laws, nor did the workgroup propose drastic changes to existing statutes or court rules that govern limited jurisdiction courts. The proposal recognizes the strength of existing limited jurisdiction court models, target areas where consistency would generate process-type improvements, and build incentives for courts to test the model elements outlined in the proposal.

The effort to create a regional court, or a hub court, erases the boundaries or identification between judges who are currently identified as either district or municipal. Judges serving under a regional court model are *regional limited jurisdiction judges*. The only distinction between the types of cases processed under the regionalization proposals are (1) hub courts that encompass district court and municipal courts, therefore processing all case types — criminal, civil and infractions or (2) regional court services that join multiple municipal jurisdictions which may or may not opt to expand jurisdiction to dispose of civil case types (anti-harassment and/or domestic violence). Under either of the regional court model options, the hub court could exist as a standalone hub court or have the hub court's presiding judge oversee the workload of satellite courts. Even in the scenario including part time satellite courts, court staff would be full time, the hub court would maintain central court records, and the judicial officers would be regional limited jurisdiction judges in all locations.

In developing the 2011 proposal, the workgroup contemplated the previous regional court draft and considered extreme options for reform efforts, including eliminating part time municipal courts or requiring election of all regional court judges. Instead, the 2011 workgroup determined that additional information was necessary to systematically evaluate existing court models or models that require some modification. It is premature to drastically alter the limited jurisdiction court structure with this proposal. The evaluation of pilot courts will guide the direction of the longer term project and validate or alter the vision that BJA adopted in 2004.

The pilot court evaluation will examine court process efficiency, gaps in service, and satisfaction in the communities the courts serve (public, court staff, and law enforcement). If there are clear advantages to regionalizing court services based on these findings, the BJA can take a strong leadership role to incentivize or mandate changes based on solid data and evaluation. When the evaluation is concluded the findings and recommendations will be provided to the BJA, outside stakeholders in the counties and cities, and the trial court associations. Once informed by the pilot court evaluation, an implementation design team should be assigned to consider strategies to expand or modify the approach so that the regional court effort is consistent with the state's economy and leaders in the District and

Municipal Court Judges' Association (DMCJA). Only then will the long term vision to improve limited jurisdiction courts be based on systematic evaluation of principles, model court elements, and variables outlined in the proposal.

➤ **Transition Plan and Fiscal Request**

Courts that apply to be pilot sites under the proposed model will apply with the understanding that a range of modifications must be made to accommodate the three requirements identified in section III. There will be an application process for the joint jurisdictions to complete that identifies the attributes that regionalization would address. The application process and defined characteristics of the courts, counties, and cities is the task of a longer-term workgroup, likely an extension of the existing workgroup, or one newly created by the BJA.

The 2011 proposal does not shy away from considering state fiscal incentives for pilot courts. The current budget reality is relevant to implementation of the pilots and evaluation of the recommended strategy. There is no question that state resources are currently beyond the realistic reach of this proposal. However, to encourage court jurisdictions to coordinate under the regional court model, the strategy must consider both fiscal and structural incentives.

Recognizing the current fiscal limitations, the workgroup focused on options that could be implemented with minimal resources. Provided resources exist within the judicial branch, the BJA might direct an evaluation of existing regionalized jurisdictions that are consistent with the regional court model in order to gain additional evaluation on court structures. This period of evaluation would examine and measure efficiencies associated with the variations identified in this proposal. However, if adjustments are necessary to regionalize jurisdictions under a regional court model, the proposal must take into consideration a source of state revenue accessible to the courts that are combining jurisdictions. Those expenses might relate to facilities, electronic or physical records relocation, staffing for the technology advances, and costs to regionalize services such as prosecutor and/or probation.

The 2011 workgroup recommends a budget of \$500,000 for a period to span the duration of the pilot court, four years beginning in July of 2012. This fund, managed by the Management Services Division at the AOC, would be available to the pilot courts to offset the initial transition costs directly associated with regionalization of staff, programs/services, and technology enhancements.

➤ **Pilot Evaluation**

The pilot-based proposal is dependent on a robust evaluation that oversees the operations, services, and management of the regional courts throughout the duration of the pilot

program. Each of the different variations and attributes that are described in the model court design should be evaluated for efficiency, cost benefits, and effectiveness. The Washington State Center for Court Research (WSCCR) is ideally suited with appropriate expertise and context to conduct the evaluation of the pilot courts.

Internal judicial branch resources need to be dedicated to the project and a commitment that the evaluation will be designed and clearly vetted prior to the selection of any pilot courts.

It is critically important for the outcome of a pilot-based court evaluation project to provide regular feedback and review with internal and external stakeholders. In order to thoroughly inform and communicate on the evaluation, an oversight body needs to be selected. The WSCCR would submit an evaluation proposal to the oversight body and provide project updates semi-annually. The oversight body could be an existing workgroup that exists under the BJA's direction or be assigned to an existing court entity (i.e., WSCCR Advisory Board or DMCJA).

Below are lists of potential issues for evaluation by the WSCCR. These lists capture various elements (required and optional) that a regional court system would include related to costs and performance measures.

Operations, Capital, and Transition Costs

- Judge(s) salary (plus benefits) at district court pay level
- Changes to staff salaries (plus benefits)
- Equipment costs (including future equipment replacement costs)
- Other regularly budgeted court items, including supplies and costs for interpreters, training, emergency support staff, and acting judges
- Impact on police travel and overtime costs (involving court sessions and related court operations)
- Increase or decrease related to court security costs
- Administrative oversight of the court's budget, staffing and physical plan needs
- General physical plant issues – i.e., costs to build, upgrade or maintain the facility(s)
- Additional physical plan issues tied to the court's use of a facility (i.e. electric, heat, phone/fax, general wear and tear)
- Postage and printing costs
- JIS case management and accounting costs
- Planning
- Notification
- Human Resources
- Changes to laws and ordinances
- Changes to JIS

Performance Measures

- Access (limited hours of operation, finding the court house was easy, I was able to conduct my business, etc.)
- Court employee satisfaction
- Ability to handle caseload in terms of clearance rates or time to disposition
- Reliability of case files
- Collection of monetary penalties
- User groups access and satisfaction

(source CourTools)

It is equally important to the 2011 project team to offer a model for efficient and effective limited jurisdiction court operations and services while ensuring that communities and staff are transitioned into the new court structure without sacrificing public safety, convenience, or presence in communities.

➤ Statutory Amendment

To effectuate the regionalization of limited jurisdiction courts the only statutory change necessary is expansion of the authority of existing districting committees to allow them to form regional courts. In the longer term additional statutory changes may be desirable based on the outcomes of project evaluations.



**Board for Judicial Administration (BJA)
Regional Courts of Limited Jurisdiction
Work Group Meeting
September 9, 2011, 10:00 a.m. – noon
SeaTac Office**

Meeting Minutes

Members Present:

Judge Sara Derr (Chair)
Judge Darrel Ellis
Judge Craig Matheson
Ms. Yvonne Pettus
Judge Kevin Ringus

AOC Staff Present:

Mr. Steve Henley
Mr. Dirk Marler
Ms. Regina McDougall
Ms. Caroline Tawes

Introductions and Welcome

Judge Derr welcomed the work group members.

General Business

Judge Derr said the Regional Courts Model Court Proposal outline is the result of the conference call on September 2, 2011. The work group members will report to the BJA and provide an outline for legislation to the BJA. There is some concern about the short timeline.

Mr. Henley's research on mega-muni legislation and jurisdictions that contract with each other may be used to create a structure on which to hang the Regional Courts Model. This work group will also suggest that court clerks and court administrators be centralized to simplify the processes.

Ms. McDougall reminded the members that the September 16 meeting of this work group has been moved to begin at 1:00 to avoid conflict with the BJA meeting.

Background

Mr. Henley reviewed statutes RCW 3.50.815 and RCW 39.34.180 that authorize contracts between cities and counties. In his review of municipal and county contracts, he found a wide range of services and a variety of payment models. More research may be necessary to sort out the best option for the circumstances. Mr. Henley asked how far we need to go to research the issues among the contracts and what lessons the work group wants to learn from the research. Ms. McDougall said the Regional Courts Committee that met in 2004 believed a standardized contract was the best option. She asked if the current work group wanted to spend time discussing this option. Judge Derr thought the contracts should share elements such as who is in charge and what was the primary court. Mr. Marler thought the contracts should also include judges' participation in contract proceedings.

Judge Ringus asked what was the goal of Regional Courts. Mr. Marler said the BJA vision was to provide a broader range of services at the local level, including civil cases.. The work group discussed the importance of adding protection orders, small claims cases, and civil domestic violence orders to regional courts legislation, and how different counties currently handle these.

Judge Derr said technical support, especially in imaging, would be important. Court staff would share information, but not necessarily in a reporting relationship.

Judge Matheson said a variety of contracts may be appropriate. Judge Derr suggested choosing some good working contracts for pilot programs.

Mr. Marler said that municipal court judges' contracts are all different. Some do not put the municipal court judges in a position equal to city executives. The judicial appointment and contract are part of the statute and may not need to be in the regional courts legislation. This would mean an amendment to GR 29. Judge Derr suggested one presiding judge for each region so appointed judges would be part of a larger bench, focused on training, and in an independent position. The appointment power of the city would not be taken away. Each presiding judge would be teamed with a full-time administrator.

Mr. Henley discussed centralized record keeping, with some information remaining local. Judge Derr said the administration should be streamlined and more independent. Jurisdictions may differ in their record keeping.

Mr. Marler asked if infraction revenue be handled differently from misdemeanors or gross misdemeanor crimes. Judge Derr suggested looking at traffic violations bureau statutes and see if that is something that would be offered as a revenue offset. Traffic violations bureaus(TVBs) were discussed, and Judge Ringus asked if this would split up services and make things more difficult for the public. Ms. Pettus expressed concern that some TVBs don't use the Judicial Information System (JIS), and suggested use of JIS be required. Mr. Marler said some TVBs have requested use of JIS.

Judge Derr asked about universal cashiering, the idea of every ticket having one address to send payment to, with an identifier for each court. Payments could be made online or by mail and transferred to the appropriate court. Tickets could be contested locally. Although some courts currently accept online payment, they all use different vendors; a statewide contract would be needed. Judge Matheson pointed out that statewide collection did not work as well as local collections for the Superior Court.

Mr. Henley reported on the processing of warrants pilot program, authorized in 2000. The report was never reviewed or filed. Mr. Marler said there were issues that kept the program from being successful, although it was a good idea in principle. Evolution of technology may make the program more successful now. Ms. Pettus said imaging and other technology could be part of the incentive for a pilot program.

Judge Derr would like bullet points for the proposal at the next meeting to begin sharing with the legislative and city and county representatives on the work group.

Ms. McDougall updated the outline. Members should e-mail Ms. McDougall if they have further suggestions or additions. Mr. Marler asked if this proposal has been compared to the work of the 2008 committee. Ms. McDougall said the 2008 work was legislation, and has not yet compared it to the present proposal.

Ms. Pettus asked how regional courts would address defense and prosecution services. Cities need to discuss how to fit these services within the new criteria. This should be provided something in the contract, but without dictating how to accomplish the task. The pilot requirements might be more specific.

Judge Ringus suggested a punch list for cities to address issues. The punch list would not dictate how cities accomplish the tasks.

Judge Derr would like to address Districting Committee legislation next time. If there are regional courts, contracting cities must have input on what it looks like. Does the legislation need to be tweaked? Judge Ringus asked about the Trial Court Coordinating Committees, and Ms. McDougall will speak with AOC staff involved in the Trial Court Improvement Accounting Report.

Dr. Carl McCurley, Washington State Center for Court Research manager, will join the work group next week to discuss the judicial needs estimates and explain its impact on regional courts. Dr. McCurley will also talk about what the evaluation of court management structure would look like in a pilot program.

Bullets were added under the Operations heading, including universal cashiering, regional court administrators, and jurisdiction, location, and number of judicial officers. Mr. Marler pointed out that district judges must remain to avoid conflicts with the Salary Commission.

The work group discussed the status of appointed judges. Appointed judges should remain in place during the pilot program.

Legislation will be required for authorization and funding for incentives for the pilot program, or the pilot could be run under current legislation with a budgetary proviso. The pilot program should continue for three years before being evaluated. Judge Derr hopes to include the mega-munis in the pilot program, as well as some inter-local courts. Ms. Pettus suggested the Pierce and Lewis county municipal courts.

The importance of access to courts for the public, law enforcement, and witnesses was discussed. A hub court would be convenient and accessible. It might be necessary to establish criteria regarding when a satellite court would be necessary. A satellite court may be necessary to accommodate some geographic difficulties. The work group discussed whether a satellite court would include a full court staff or administrative staff with an ability to video conference.

Centralization of probation and pre-trial serves was discussed. Ms. Pettus suggested looking at court rules on probation to see if changes would be needed. Ms. McDougall suggested that financial incentives, such as a state subsidy, might be used to fund centralized probation services.

Ms. Pettus suggested an incentive for alternatives to incarceration to reduce jail costs. Regina will look into risk assessment.

Prosecutors, defense attorneys, and jails need to be added to the outline.

Judge Derr suggested discussing pilot programs and transition plans at the next meeting.

The meeting adjourned at noon.

ACTION ITEMS

September 9, 2011

Action Item	Status
Judge Derr suggested choosing some good working contracts for pilot programs.	
Judge Derr would like bullet points for the proposal at the next meeting to begin sharing with the legislative and city and county representatives on the work group. Ms. McDougall is updating the outline. Members should e-mail Ms. McDougall if they have further suggestions or additions.	
Mr. Marler asked if this proposal has been compared to the work of the 2008 committee. Ms. McDougall said the 2008 work was legislation, and has not yet compared it to the present proposal.	
Judge Ringus suggested a punch list for cities to address issues.	
Judge Derr would like to address Districting Committee legislation next time.	
Ms. McDougall will speak with AOC staff involved in the Trial Court Improvement Accounting Report.	
Dr. Carl McCurley, Washington State Center for Court Research manager, will join the work group next week to discuss the judicial needs estimates and explain its impact on regional courts. Dr. McCurley will also talk about the evaluation of court management structure would look like in a pilot program.	
Judge Derr suggested discussing pilot programs and transition plans at the next meeting.	



WASHINGTON
COURTS

**Board for Judicial Administration (BJA)
Regional Courts of Limited Jurisdiction Work
Group Meeting
September 16, 2011, 1:00 – 3:00 p.m.
SeaTac Office**

Meeting Minutes

Members Present:

Judge Sara Derr (Chair)
Judge Darrel Ellis
Judge Michael Lambo
Ms. Yvonne Pettus
Judge Kevin Ringus

AOC Staff Present:

Mr. Steve Henley
Ms. Mellani McAleenan
Ms. Regina McDougall
Ms. Caroline Tawes

Guest

Dr. Carl McCurley

Introductions and Welcome

Judge Derr welcomed the work group members and introduced Dr. Carl McCurley, manager of the Washington State Center for Court Research (WSCCR) at the Administrative Office of the Courts (AOC). Judge Derr asked the work group members to review the minutes from the September 9 meeting, particularly the Action Items on page 9.

Moved, seconded and carried: to approve the September 9, 2011 minutes as written.

Judge Derr asked the members to contact Ms. Tawes if, after more careful review, they have corrections to the minutes.

DISCUSSION

Washington State Center for Court Research (WSCCR)

Judge Derr introduced Dr. McCurley to discuss the Judicial Needs Estimate (JNE) and its impact on regional courts and its potential use in evaluating pilot programs. Dr. McCurley explained that the JNE looks at a court's current practice and makes predictions on future needs. It computes a measure of productivity for each case type. Other factors, such as judge's travel time, can be added to the model. Dr. McCurley said the model does not measure effort such as a judge's additional work time in the evenings or on weekends. Although the JNE model captures elements of a court's ability to hear cases, there was some concern that the model does not reflect all aspects of a court's workload. Dr. McCurley said the JNE is only one measure of a court's workload to consider. Special modifications can be made to reflect geographic dispersions. Dr. McCurley said centralized staff efficiency can be measured, although is not in the JNE. He

referred the members to his handout that listed the cost categories from the New Jersey state municipal court consolidation. He will send a link to that study to the work group members.

Dr. McCurley was asked if there was a way to extrapolate costs for regional courts and a pilot program. He said he can look at a number of cases handled by several small courts and predict what it would look like if the cases were handled by one court. He also has data from the Court Funding Task Force. Dr. McCurley did not have information on optimal court size, although mid-range courts with 2–11 judges tend to be the most efficient. WSCCR conducts research on municipal courts by request only. Work group members suggested looking at the benefits of centralized courts like Chelan versus pocket municipal courts. Dr. McCurley said this was possible but may not result in definitive data.

The work group discussed municipal courts served by a district court including Benton, Clark, Cowlitz, Chelan, Columbia, Garfield, Grant, Lincoln, Lower Kittitas, Klickitat, and Skagit counties. Several municipal court group contracts were mentioned, including Battle Ground, Kent, Kirkland, Lakewood, and Marysville. This information must be gathered from several sources, including the Court Directory and JIS reporting coeds. Dr. McCurley said if we can figure out which courts are associated with each other, the WSCCR can do an analysis.

Aspects of the Kirkland Municipal Court were discussed. Each city that contracts with Kirkland has its own police department. Kirkland has a full-time staff who handle all the cases. All the cities contract with the same prosecutors. These elements have worked well for the Kirkland Municipal Court and might be considered for the regional courts model.

In Kirkland Municipal Court, city officials make the final decisions on the contracts, although they consult with the judge. One of the duties of the work group will be to look at the elements in courts and include what elements work well into a model regionalized court.

A presiding judges would have to be decided if several part-time judges were combined. GR 29 provides for agreement to elect a presiding judge or a primary or hub court judge would be the presiding judge. The hub court would also have full-time staff.

Discussion Points

The work group members discussed the Discussion Points on page 27. A punch list will be developed from this list for cities that will contract as a regional court. Mr. Henley to look at cost recovery and revenue sharing in contracts. There are several options in the reviewed contracts and a list will be compiled. There may not be a single best method.

Two models seem to be emerging: 1. a hub court with satellites, and 2. a centralized court like the New Jersey model. In the hub and satellite model, the satellites would be part of a bigger court. Benefits would include the ability to pull in another judge if a judge goes on vacation, consolidated administrative support, and fines and probation could be at the hub court. Grant County District Court judges travel to small cities as they might in a hub and satellite model. Grant County should be studied to see how they handle fines, etc. Work group members questioned the value of a regionalized court if there were small satellite courts. Shouldn't there be one large facility? One large facility would be ideal but may not be a viable option at this time. There was a suggestion of centralizing criminal cases and having infractions handled in the satellite courts.

Should the work group try to change courts that are currently working well? Should the work group aim for a full-time staff and clerk as a standard? What services would be located in the satellite courts? The work group listed having a professional clerk staff, better technical support, centralized interpreter and probation services, imaging, and video conferencing as incentives to a centralized system. Work group members wondered if they can show the cost effectiveness of the model. A model with a fully staffed central court, with some courts pulled into the central court, was suggested. People from small cities will drive in to the central court. Very remote areas will have a judge sent there. Some cities might pay extra to have a judge. There was a suggestion for a combined system based on population, geography, and local needs.

Grant County was suggested as a model. The hub court would always be staffed, avoiding a problem where a court had to close when the administrator went on vacation. All these models currently operate somewhere in the state now.

The regional court punch list should contain centralized administration, dictate how staff are chosen and paid, what to call the judge, centralized probation, and bookkeeping.

The work group discussed what type of cases a regional court would hear. Satellite courts could handle infractions and the hub court could handle criminal cases. This question should be submitted to the District and Municipal Court Judges' Association (DMCJA) and the BJA to decide, along with the punch list. The advantages and disadvantages of locating some kind of cases in a centralized court were discussed. Traffic Violations Bureaus were discussed, and it was suggested that infraction dockets be located in the satellite courts. A third hybrid model was proposed with centralized administration and an option for municipal courts within the regional boundary or as part of the regional court. A statute was not needed for these decisions, just an inter-local agreement. There is nothing that would prevent a district court from contracting with a city for jurisdiction or services. Legislation might be required to create incentives.

The recommendation for a regional court system was the preferred model to ensure a full-time judge in the courts of limited jurisdiction. Judges may need a basic requirement to improve their courts and that may require a statute to create a regional courts model. District courts could get employees from smaller courts in a pilot program. Smaller jurisdictions need to see a system that works for three or four years and saves money. Asking the Legislature for start up funds may be the most practical approach.

The work group is to recommend a proposal where consolidation works. Incentive funding can be included in the proposal. There was a suggestion to identify pilots and look at a combination of courts and structures to encourage pilots. Short-term and long-term issues should be examined by the work group.

There was a suggestion to use the term multi-jurisdictional courts for large groups of municipal courts.

The work group should decide on the pilots, how long the pilot study would take, and what to do about the TVBs. It will be a few years before the statistics show any efficiencies.

Mr. Henley spoke with the Skagit County Administrator, Ms. Pam Springer, and suggested that she may want to call in to a work group meeting. The Skagit County District Court is currently operating somewhat in the hub and satellite court model. Studying the existing court arrangements may give the work group an understanding of costs in courts of similar sizes versus individual courts' costs. This method would not produce any information this year but it would produce results faster than establishing pilot courts.

All work group members will be present at the October meetings. The large conference room at SeaTac is not available on those dates, so Ms. McDougall will be looking at the possibility of meeting at the Olympia AOC office or finding different dates.

Judge Derr will work with Ms. McDougall and Ms. Tawes to distribute an updated Discussion Points to the work group court members. After approval, the discussion points will be shared with the entire group.

The meeting adjourned at 3:00 p.m.

ACTION ITEMS

September 16, 2011

Action Item	Status
Dr. McCurley will send a link to the New Jersey state municipal court consolidation.	Done by Ms. McDougall
Grant County should be studied to see how they handle fines, etc. The work group is to recommend a proposal where court consolidation works. Existing court arrangements could be examined to gain an understanding of costs in courts of similar sizes versus individual courts' costs.	
The work group is to decide on the pilots, how long the pilot study would take, and what to do about the TVBs.	
Ms. McDougall will be looking at the possibility of meeting at the AOC office in Olympia or finding different dates for the October work group meetings.	
Judge Derr will work with Ms. McDougall and Ms. Tawes to distribute an updated Discussion Points to the work group court members.	

September 9, 2011

Action Item	Status
Some good working contracts should be chosen for pilot programs.	
For the next meeting there should be bullet points for the proposal to begin sharing with the legislative and city and county representatives on the work group. Ms. McDougall is updating the outline. Members should e-mail Ms. McDougall if they have further suggestions or additions.	

Has the current proposal been compared to the work of the 2008 committee? The 2008 work was legislation, and has not yet compared it to the present proposal.	
A punch list was suggested for cities to address issues.	
Districting Committee legislation should be addressed next time.	
Ms. McDougall will speak with AOC staff involved in the Trial Court Improvement Accounting Report.	
Dr. Carl McCurley, Washington State Center for Court Research manager, will join the work group next week to discuss the judicial needs estimates and explain its impact on regional courts. Dr. McCurley will also talk about the evaluation of court management structure would look like in a pilot program.	Done
Judge Derr suggested discussing pilot programs and transition plans at the next meeting.	



WASHINGTON
COURTS

**Board for Judicial Administration (BJA)
Regional Courts of Limited Jurisdiction Work
Group Conference Call
September 23, 2011, 10:00 a.m. – noon**

Meeting Minutes

Members Present:

Judge Sara Derr (Chair)
Judge Michael Lambo
Judge Craig Matheson
Ms. Yvonne Pettus
Judge Kevin Ringus

AOC Staff Present:

Ms. Mellani McAleenan
Ms. Regina McDougall
Ms. Caroline Tawes

Introductions and Welcome

Judge Derr welcomed the work group members and asked the work group members to review the minutes from the September 16 meeting.

Moved, seconded and carried: to approve the September 16, 2011 minutes as written.

DISCUSSION

Ms. McDougall updated the Regionalized Limited Jurisdiction Model Court Proposal outline and sent it to the work group members again. She noted the document was watermarked with the date of the latest changes. This document is an outline of what will be proposed to the BJA and may include proposed next steps. Part II, Basic Agreements, reflects previous attempts to develop a model for regional courts. The current work group has looked at the information from previous work groups and has carried some of those suggestions forward.

Barriers listed include both short- and long-term barriers, and the pilot programs may bring different barriers to light or provide solutions.

The work group discussed the proposed Incentives and what funding should be suggested. There was discussion on self-supporting probation departments.

The work group agreed to the six principles listed under Basic Agreements.

At the last work group meeting, Mr. Hall suggested studying current court models, and the work group asked if that would be one of the suggestions to BJA. Ms. McDougall said this is the same idea as the pilot programs.

The work group reviewed the diagram provided by Ms. McDougall and discussed the suggestion of a Regional Court Districting Committee. The work group suggested changes to the diagram and Ms. McDougall will send an updated version for the next meeting. The work group also discussed the paragraph on salaries and decided to study that information more closely for the next meeting. Ms. McDougall will provide copies of the relevant statutes. Judge Derr suggested adding a review of the existing salary requirements to the next agenda.

There was a suggestion that there would be three common themes of the regional courts, and other elements would be flexible. The common themes would be a districting committee, a presiding judge in the hub court, and full time staff in the hub court. The committee discussed other details to be decided such as technical enhancements, universal cashiering, imaging, video conferencing, risk assessment, and pre-trial services. Ms. McDougall will add this information to the Operations section of the Proposal.

Under the Services section, the work group would like to add information about probation departments becoming self-funding. Jail services were discussed. The work group discussed making recommendations and not mandates.

It would be optimal if the defense and prosecutor services were centralized, but this should not be mandatory. It was suggested that one pilot court have centralized services and one pilot court not have centralized services so a stronger recommendation on this aspect could be made at the end of the pilot program.

There was a suggestion that electronic ticketing be added to the Incentives section.

The work group made several suggestions to changes in the Regional Courts diagram. After discussing changes, the resulting system should look the same to the public and provide consistent services throughout the state, in spite of contract differences.

There was a suggestion to add contingencies on services provided by a court based on that court's geographical distance to a hub court. Ms. McDougall will add that information under Services in the Proposal.

For the next meeting, Ms. McDougall will add more information on the pilot programs and other options to the Proposal.

In preparation for the September 30 meeting, the work group will carefully read the Proposal, especially the Basic Agreements and Model Court Elements, and finalize the Proposal for the meeting with all work group members. The work group was also asked for input on the Agreed Upon Terms document, the new diagram Ms. McDougall will provide, and the Districting Committee. Work group members should send comments to Ms. McDougall.

Traffic Violation Bureaus will be discussed with the entire work group.

The work group discussed time frames for termination or opt-out provisions from a Regional Court, including a time for notice to the judges.

NEXT MEETING

Ms. McDougall said the SeaTac conference room is not available in October and asked if work group members had a location preference for the October meetings. She and Ms. Tawes will investigate options.

The meeting adjourned at 11:12 a.m.

ACTION ITEMS

September 23, 2011

Action Item	Status
Ms. McDougall will incorporate information from Judge Derr's "Agreed Upon Terms" document into the Proposal outline.	
The work group suggested changes to the diagram and Ms. McDougall will send an updated version of the diagram for the next meeting.	
The work group discussed the paragraph on salaries and decided to study that information more closely for the next meeting. Ms. McDougall will provide copies of the relevant statutes. Judge Derr suggested adding a review of the existing salary requirements to the next agenda.	
Ms. McDougall will add technical enhancements, universal cashiering, imaging, video conferencing, risk assessment, pre-trial services, and other details discussed to the Operations section of the Proposal.	
It was suggested that one pilot court have centralized defense and prosecutor services and one pilot not have centralized services so a stronger recommendation on this aspect could be made at the end of the pilot program.	
There was a suggestion that electronic ticketing be added to the Incentives section.	
For the next meeting, Ms. McDougall will add more information on the pilot programs and other options to the Proposal.	
The work group was asked for input on the Agreed Upon Terms, the new diagram Ms. McDougall will provide, and the Districting Committee. Work group members should send comments to Ms. McDougall.	
Traffic Violation Bureaus will be discussed with the entire work group.	

September 16, 2011

Action Item	Status
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Dr. McCurley will send a link to the New Jersey state municipal court consolidation.	Done by Ms. McDougall
Grant County should be studied to see how they handle fines, etc. The work group is to recommend a proposal where court consolidation works. Existing court arrangements could be examined to gain an understanding of costs in courts of similar sizes versus individual courts' costs.	
The work group is to decide on the pilots, how long the pilot study would take, and what to do about the TVBs.	
Ms. McDougall will be looking at the possibility of meeting at the AOC office in Olympia or finding different dates for the October work group meetings.	In progress
Judge Derr will work with Ms. McDougall and Ms. Tawes to distribute an updated Discussion Points to the work group court members.	

September 9, 2011

Action Item	Status
Some good working contracts should be chosen for pilot programs.	
For the next meeting there should be bullet points for the proposal to begin sharing with the legislative and city and county representatives on the work group. Ms. McDougall is updating the outline. Members should e-mail Ms. McDougall if they have further suggestions or additions.	
Has the current proposal been compared to the work of the 2008 committee? The 2008 work was legislation, and has not yet compared it to the present proposal.	
A punch list was suggested for cities to address issues.	
Districting Committee legislation should be addressed next time.	Discussed 9/23/11
Ms. McDougall will speak with AOC staff involved in the Trial Court Improvement Accounting Report.	
Dr. Carl McCurley, Washington State Center for Court Research manager, will join the work group next week to discuss the judicial needs estimates and explain its impact on regional courts. Dr. McCurley will also talk about the evaluation of court management structure would look like in a pilot program.	Done
Judge Derr suggested discussing pilot programs and transition plans at the next meeting.	



WASHINGTON
COURTS

**Board for Judicial Administration (BJA)
Regional Courts of Limited Jurisdiction Work
Group Conference Call
September 30, 2011, 10:00 a.m. – noon**

DRAFT Meeting Minutes

Members Present:

Judge Sara Derr (Chair)
Judge Darrel Ellis
Mr. Jeff Hall
Judge Michael Lambo
Judge Craig Matheson (by phone)
Ms. Yvonne Pettus
Judge Kevin Ringus

AOC Staff Present:

Mr. Steve Henley
Ms. Mellani McAleenan
Ms. Regina McDougall
Ms. Caroline Tawes

Introductions and Welcome

Ms. McDougall asked the work group members if there were changes to the minutes from the September 23 meeting.

Moved, seconded and carried: to approve the September 23, 2011 minutes as written.

DISCUSSION

Ms. McDougall reviewed the schedule for the next work group meetings. The deadline for a proposal to BJA is October 21. The next meeting is scheduled for October 7 at the Gateway Hotel in SeaTac, and the work group would like to have a good working draft by the end of the October 7 meeting for the presentation to BJA. Ms. McDougall asked that work group members submit feedback on the proposal to her by October 14. Ms. McAleenan asked if the presentation to BJA could take place at the November 18 meeting instead of in October. This option would give the city, county, and legislative representatives times to examine the proposal and provide feedback.

Proposal Outline

The work group reviewed the update proposal outline. The narrative should be finalized today so it can be sent to the rest of the work group. Important discussion points are the judicial salaries, the short- and long-term scope of the proposal, and whether to ask for legislation for a pilot study bill or use existing courts as pilots.

The work group referred to the diagram in the proposal and discussed civil jurisdiction for each option. The work group then reviewed the proposal for phrasing and typographical errors.

Preface

There is not a problem statement in the proposal that outlines the purpose of the work group or describes what problem these recommendations will solve. Judge Derr will provide some bullet points, that Ms. McDougall will add that to the preface. Mr. Hall said the BJA has a broad policy statement that would be a valuable addition to the preface. He will look through the BJA minutes for the statement and e-mail it to the work group members.

Ms. McDougall asked if Chief Justice Madsen would like to write a cover letter or add to the preface of the proposal, and Judge Derr said she would ask Chief Justice Madsen if the Chief Justice would like to add a statement or message to the proposal.

The work group members discussed civil jurisdiction and Regional Courts. The work group would like to have a recommendation on this for BJA. If the courts follow the three mandatory elements of a hub court, a centralized presiding judge and administrative staff, and recording maintenance and JIS standards, they could then choose other elements from among several choices in the model structure. Ms. McDougall will add language to the preface about what courts are allowed to do under existing authority and will acknowledge existing court structures.

Incentives

The work group discussed incentives for courts. Among the incentives discussed were economies of scale, the availability of probation services and security in the hub court, full time court and administrative staff, consistency in procedures, centralized record keeping and archiving, access to video conferencing and imaging technology, universal cashing, use of a single prosecutor's office, and centralized jury and interpreter services. There are a variety of contracts for use of jails facilities and that issue is outside the scope of the work group.

Areas with several small municipal courts close together were discussed for possible pilot program courts. The areas may cross county borders. The work group members were asked to think about what cities might work in a pilot program.

Short- and long-term goals

The work group discussed making a recommendation on salary and full time security. The work group will make salary recommendations, but not mandates, based on jurisdiction. Full time security will be included as a recommended short-term goal. Civil jurisdiction will not be included in the recommendation, but should be addressed in the long-term goals. After the pilot programs are completed, the work group may make recommendations on civil jurisdiction, particularly anti-harassment and domestic violence jurisdiction. Ms. McDougall will add "single regional court of limited jurisdiction" to the long-term goals.

Ms. McDougall will add information to the proposal on the difference between recommendations and implementation needs if proposal moves forward.

As a short-term goal, the work group will provide cost estimates for startup funding for regional court pilots. Staff FTE could be calculated for each potential pilot court so cities could decide what staffing option is most cost effective.

The work group discussed seed money for the pilot courts. Would the court associations be able to contribute funds? The Traffic Safety Commission has provided grants to help set up probation departments. Court pilot programs will probably run two to four years.

While the work group will make a recommendation, the BJA will have to make a decision on the role of the Regional Court Districting Committee (RCDC).

Traffic Violation Bureaus will not be addressed in this proposal.

A list of bullet points for standardized contracts was suggested.

Judge Derr asked if the work group members were satisfied with the short- and long-term goals and added that the city, county, and legislative representatives will probably have additions to the list.

If work group members have additional ideas for short- or long-term goals they should send them to Ms. McDougall.

Conclusion

The conclusion will state that the work group proposal makes recommendations regarding what a Regional Court will look like, but there should be follow up to the pilot programs to determine implementation details.

NEXT MEETING

The work group decided to cancel the meeting on October 7. They scheduled a conference call on October 14, and will meet with the city and county representatives after the BJA meeting on October 21. The final presentation to BJA was moved to the November 18 meeting.

The meeting adjourned at 11:50 a.m.

ACTION ITEMS

September 30, 2011

Action Item	Status
There is not a problem statement in the proposal that outlines the purpose of the work group or describes what problem the work group will solve with these recommendations. Judge Derr will provide some bullet points, and Ms. McDougall will add that to the preface. Mr. Hall will e-mail a broad BJA policy statement to the work group members.	
Judge Derr will ask Chief Justice Madsen if the Chief Justice would like to add a statement or message to the proposal.	
Ms. McDougall asked that work group members submit feedback on the proposal to her by October 14.	
The work group members were asked to think about what cities might work in a pilot program.	

September 23, 2011

Action Item	Status
Ms. McDougall will incorporate information from Judge Derr's "Agreed Upon Terms" document into the Proposal outline.	
The work group suggested changes to the diagram and Ms. McDougall will send an updated version of the diagram for the next meeting.	Done
The work group discussed the paragraph on salaries and decided to study that information more closely for the next meeting. Ms. McDougall will provide copies of the relevant statutes. Judge Derr suggested adding a review of the existing salary requirements to the next agenda.	
Ms. McDougall will add technical enhancements, universal cashing, imaging, video conferencing, risk assessment, pre-trial services, and other details discussed to the Operations section of the Proposal.	Done
It was suggested that one pilot court have centralized defense and prosecutor services and one pilot not have centralized services so a stronger recommendation on this aspect could be made at the end of the pilot program.	
There was a suggestion that electronic ticketing be added to the Incentives section.	
For the next meeting, Ms. McDougall will add more information on the pilot programs and other options to the Proposal.	
The work group was asked for input on the Agreed Upon Terms, the new diagram Ms. McDougall will provide, and the Districting Committee. Work group members should send comments to Ms. McDougall.	
Traffic Violation Bureaus will be discussed with the entire work group.	

September 16, 2011

Action Item	Status
Dr. McCurley will send a link to the New Jersey state municipal court consolidation.	Done by Ms. McDougall
Grant County should be studied to see how they handle fines, etc. The work group is to recommend a proposal where court consolidation works. Existing court arrangements could be examined to gain an understanding of costs in courts of similar sizes versus individual courts' costs.	
The work group is to decide on the pilots, how long the pilot study would take, and what to do about the TVBs.	

Ms. McDougall will be looking at the possibility of meeting at the AOC office in Olympia or finding different dates for the October work group meetings.	Done
Judge Derr will work with Ms. McDougall and Ms. Tawes to distribute an updated Discussion Points to the work group court members.	

September 9, 2011

Action Item	Status
Some good working contracts should be chosen for pilot programs.	
For the next meeting there should be bullet points for the proposal to begin sharing with the legislative and city and county representatives on the work group. Ms. McDougall is updating the outline. Members should e-mail Ms. McDougall if they have further suggestions or additions.	
Has the current proposal been compared to the work of the 2008 committee? The 2008 work was legislation, and has not yet compared it to the present proposal.	
A punch list was suggested for cities to address issues.	
Districting Committee legislation should be addressed next time.	Discussed 9/23/11
Ms. McDougall will speak with AOC staff involved in the Trial Court Improvement Accounting Report.	
Dr. Carl McCurley, Washington State Center for Court Research manager, will join the work group next week to discuss the judicial needs estimates and explain its impact on regional courts. Dr. McCurley will also talk about the evaluation of court management structure would look like in a pilot program.	Done
Judge Derr suggested discussing pilot programs and transition plans at the next meeting.	

Access to Justice and Identification and Elimination of Bias in the Judicial System

Support to entities charged with ensuring access to justice and the identification and elimination of bias within the judicial system. Work products include award and oversight of federal and state grant funds, curriculum development and training programs, research, policy development, development of best practices and technical assistance to courts and other justice system entities.

Association Support

Staff and policy support provided to COA and judicial and administrative trial court associations boards and sub-committees. Prepare meeting materials and correspondence. Coordinate meeting logistics. Develop policy options. Liaison with state agencies.

BECCA Pass-Through Funding

Distribution of legislative appropriation to juvenile courts in support of juvenile court processing of "Becca" cases (truancy, at-risk-youth, and children-in-need-of-services). Includes assistance in the development of the distribution formula and audit of expenditures.

Budget Services

Develop, prepare, and manage budgets for the AOC, Supreme Court, COA and Law Library. Provide monthly budget analysis and advice to AOC, Supreme Court, COA, Law Library, OCLA and OPD. Reviews, reconciles and forecasts revenue for four statewide dedicated accounts. Works with local courts, clerks and state and local treasurers' to implement best practices or corrective action.

CASA Pass-Through Funding

Distribution of state funds to local CASA programs and Washington State CASA in support of local CASA programs. Includes development of distribution formula, contract management, audit of expenditures and contract management.

Certified Professional Guardians

Develop and implement certification, education standards, training, standards of practice and discipline procedures for Certified Public Guardians appointed to three or more cases for compensation.

Continuing Judicial Education

Curriculum development support and judicial education conference support including selection and development of educational programs, faculty contracts, facility contracts and on-site logistical support. Regional trainings on non-JIS education. Training and support for electronic meeting tools (eCCL). Track compliance with GR 26 requirements. Coordinate CLE accreditation with WSBA.

Contract Management

Draft, review, and negotiate all contacts between AOC and vendors and other governmental units. Monitor and close out all contracts. Services extended to the Supreme Court, Court of Appeals and Law Library.

Court Education

Curriculum development support and education conference support including selection and development of educational programs, faculty contracts, facility contracts and on-site logistical support. Regional trainings on non-JIS education and development and support for e-learning opportunities. New Court Employee Orientation training conducted annually. Direct subsidy of one in-state Institute for Court Management Course annually.

Court House Facilitators

Develop and maintain training curriculum and sponsor and coordinate statewide training activities.

Court Improvement Program

Manage federal program funds and monitor and direct activities in conformance with the Court Improvement Program Plan. Participate and represent the judiciary during the federal Children and Family Services Review (CFSR). Provides for training such as the Reasonable Efforts Symposiums.

Court Interpreter Certification

Develop and implement certification, training, continuing education credits, and discipline procedures for certified and registered court interpreters. Provide training for judicial officers and court personnel regarding the selection and use of interpreters.

Court Research

Legislatively mandated studies and reports on a variety of court activities, original research on the efficacy of court program and policies, grant funded research, annual statistical reporting, development of performance measures and best practices.

Court Rules

Support state court rule making process including providing notice of proposed rules and amendments, compiling comments on rule proposals and assisting rule proponents in navigating rules process. Maintain web site content on adopted rules and proposed rules. Preparing final rules for print publication. Receive and compile local court rules for print publication.

Court Security

Develop statewide court security model policy and guidelines. Receive and track security incident reports from the courts and prepare annual report.

Customer Service (Help Desk)

Call center services for court customer assistance with JIS Applications, including real-time resolution of issues and problems. Tracking of help-desk tickets from initiation to resolution. Escalation of help-desk tickets to JIS application maintenance staff. Referrals to AOC subject matter experts on non-JIS related inquiries and issues. Develop and maintain knowledge base (eService Center) that provides 24/7/365 information for AOC staff, the public and court customers about JIS applications and court-related questions.

District and Qualified Municipal Court Judges Salaries (Trial Court Improvement Accounts)

Distribution of state funds as partial reimbursement for district and qualified municipal court judges salaries. Counties and cities that receive these funds must put an equal amount of funds into local trial court improvement accounts.

Facilities/Staff Services

Manage all AOC facilities, off-site records and equipment storage, telephone systems and mail delivery.

Family and Juvenile Court Improvement Plan Pass-Through Funding

Distribution of state funds to local trial courts in support of the implementation of unified family court practices. Includes audit of expenditures, contract management and technical assistance for implementation.

Financial Services

Manage all payables, accounts receivable and procurements for AOC, Supreme Court, COA and Law Library, travel reimbursements, superior court judge salary and benefits, disbursement of state pass-through funds to trial courts, and compliance with all state and federal regulations and Generally Accepted Accounting Principles. Manage payroll for AOC, SC, COA, Law Library, OCLA and OPD. Develop and submit annual and biennial financial statements for all state judicial branch agencies, excluding CJC.

Fiscal Notes

Preparation, approval and submission of judicial impact statements on the fiscal impact of proposed legislation on trial courts and the state level judicial branch entities.

Guardians Ad Litem

Develop and maintain training curriculum and technical assistance to local training activities.

Human Resources

Compliance with state and federal employment laws, internal AOC recruitment and hiring activities, orientation of new employees, discipline, policy development, maintenance and training, employee and management advice and counseling. All services extended to the Supreme Court, Court of Appeals and Law Library.

Interpreter Services Pass-Through Funding

Distribution of state funds to local trial courts as partial reimbursement for language interpreter expenses for registered and certified interpreters paid at the rate established by BJA. Includes review of funding request proposals, audit of expenditures and contract management.

JIS Data Dissemination

Manages all non-court entity requests for on-going or one-time access to JIS systems and data. Manages and maintains JIS Link commercial access contracts and customers. Staffs JIS Data Dissemination Committee.

JIS Data Warehouse

Provide statewide data and query tool for local jurisdiction use and statewide reporting.

JIS Education

Regional, conference, on-site, web-based and Olympia AOC based training for court employees, clerk's office employees, judicial officers, and agency partners on use and functions of JIS applications and data warehouse query tools. Prepare and maintain user manuals and documentation.

JIS External Equipment

Purchase desk top/Lap top computers and printers for trial courts and superior court clerks on a five year replacement cycle. Lease and purchase of data lines and routers for trial court connections to JIS.

JIS Governance

Development and support for processes to request JIS system modifications and enhancements and prioritize requests. Oversight of JIS projects and project related JIS Account funding requests and expenditures. Consulting and advice on the application of data access policies.

JIS Legacy Applications

Maintain, modify and enhance all state-wide legacy applications for 24/7 availability (DISCIS, SCOMIS, ACORDS, E-Ticketing, JCS, JRS, JABS, Web). These applications are used by the Washington Courts, the court community, the public and others. This includes Disaster Recovery of legacy applications.

JIS New Development

Provides for the addition of new applications and/or retirement and replacement of legacy applications (i.e., acquisition of a new Case Management System for Superior Courts)

Judicial College

Annual week long training for new judicial officers required under GR 36.

Judicial Ethics

Support development and dissemination of ethics advisory opinions. Direct consultation with individual judicial officers on ethics issues.

Judicial Legal Support Services

Develop and maintain bench books, pattern forms, jury instructions. Legal analysis of issues affecting the judiciary.

Legal Financial Obligations Pass-Through Funding

Distribution of state funds to superior court clerks in support of local collection efforts of legal financial obligations and contracts for billing notices (printing, mailing and postage). Includes contract management.

Legislative and Executive Branch Relations

Legislative and executive branch relations on issues/legislation affecting multiple court levels or significant to the Judiciary as a whole and state budget appropriations.

Legislative Tracking

Monitor, track and report on legislation in support of trial court association boards and sub-committees. Annual summary of legislation of interest to the courts.

Long Range Planning

Long range and strategic planning activities for the Judiciary, AOC, Supreme Court, and Judicial Branch. Includes planning process support, development of plans, tracking progress against plans and communicating plans with strategic partners.

Office of Public Guardianship

Pilot program to maintain contracts with CPGs for guardianship services for indigent persons, screen and assign cases to contracted CPGs, and assist in the research on program effectiveness.

Print Services

Prepare hardcopy meeting and educational conference materials. Prepare chamber copies of all briefs filed for the Supreme Court and COA. Services extended to OCLA and OPD.

Public Information Office

Media relations including press releases and media inquiries, speech writing, internal/external newsletters, clipping service and Bench/Bar/Press Committee. Support for National Adoption Day Activities and YMCA Mock Trial Championships. All services extended to the Supreme Court, Court of Appeals, Law Library, and, upon request, trial courts.

Public Legal Education

Support to the Council on Public Legal Education.

Public Records

Receive, review and coordinate response to all public records requests. Provides counsel and advice to all judicial branch agencies and trial courts.

Public Trust and Confidence

Promote public trust and confidence in the judiciary through a variety of activities, communications and the development of tools and documents for use by the state courts.

Superior Court Judge Salaries and Benefits

Distribution of state funds to Superior Court Judges for one-half of their salaries and payment of 100% of benefit costs. Includes payroll services and benefit administration and information for Superior Court Judges

Truancy Pass-Through Funding

Distribution of legislative appropriation to OSPI in support of local school processing of truancy petitions.

Youth Courts

Technical Assistance, education, and coordination of local youth court efforts.

2011-2013 Biennium Budget

	FTE	State General Fund	Judicial Stabilization Trust Acct.	Judicial Information Systems Acct.	Other ¹	Total
State Court Administrator	3.00	\$636,240	\$0	\$0	\$0	\$636,240
Planning and Development	2.00	\$494,312	\$0	\$0	\$0	\$494,312
Human Resources	3.00	\$543,415	\$0	\$0	\$0	\$543,415
Public Information	2.00	\$352,376	\$0	\$0	\$0	\$352,376
Agency Administration	10.00	\$2,026,343	\$0	\$0	\$0	\$2,026,343
JSD Administration	4.00	\$865,280	\$0	\$0	\$0	\$865,280
Court Services	11.00	\$2,038,396	\$0	\$0	\$2,365,287	\$4,403,683
Court Access Programs	5.50	\$1,108,132	\$0	\$0	\$0	\$1,108,132
Court Education Services	21.00	\$4,218,429	\$0	\$0	\$16,608	\$4,235,100
Legal Services	7.00	\$1,245,157	\$0	\$0	\$0	\$1,245,157
Commission on Foster Care	0	\$9,500	\$0	\$0	\$0	\$9,500
Center for Court Research	6.55	\$1,172,486	\$0	\$0	\$375,934	\$1,548,420
Judicial Services Division	55.05	\$10,657,443	\$0	\$0	\$2,757,829	\$13,415,272
Administration	7.60	\$0	\$0	\$1,517,377	\$0	\$1,517,377
Infrastructure	29.90	\$808,998	\$0	\$13,864,294	\$0	\$14,673,292
Operations	23.10	\$0	\$0	\$4,813,404	\$0	\$4,813,404
Data and Development	16.00	\$0	\$0	\$3,369,436	\$0	\$3,369,436
Program Management/QA	14.00	\$0	\$0	\$3,015,283	\$0	\$3,015,283
Architecture and Strategy	15.00	\$0	\$0	\$3,300,890	\$0	\$3,300,890
Policy and Planning	11.00	\$0	\$0	\$2,368,316	\$0	\$2,368,316
JIS Projects	9.50	\$0	\$0	\$10,134,000	\$0	\$10,134,000
Information Services Division	126.10	\$808,998	\$0	\$42,383,000	\$0	\$43,191,998
MSD Administration	2.50	\$537,312	\$0	\$0	\$0	\$537,312
Contract Management	2.90	\$616,140	\$0	\$0	\$0	\$616,140
Financial and Budget Svcs.	7.40	\$7,675,650	\$0	\$0	\$0	\$7,675,650
Staff Services	5.00	\$657,454	\$0	\$0	\$0	\$657,454
Management Services Division	17.80	\$9,486,556	\$0	\$0	\$0	\$9,486,556
AGENCY SUB-TOTAL	208.95	\$22,979,340	\$0	\$42,383,000	\$2,757,829	\$68,120,169
Superior Court Judges ²	193.45	\$45,509,382	\$5,414,000	\$0	\$0	\$50,923,382
Becca/Truancy		\$20,105,000	\$0	\$0	\$0	\$20,105,000
CASA		\$6,090,110	\$0	\$0	\$0	\$6,090,110
Court Interpreters		\$1,221,004	\$0	\$0	\$0	\$1,221,004
Fam. & Juv. Ct. Imp. Prog.		\$1,197,638	\$0	\$0	\$0	\$1,197,638
OPG Guardianship		\$733,000	\$0	\$0	\$0	\$733,000
Legal Financial Obligations		\$2,957,526	\$0	\$0	\$0	\$2,957,526
Pass-Through Program Funds	193.45	\$77,813,660	\$5,414,000	\$0	\$0	\$83,227,660
TOTAL AOC BUDGET	402.40	\$100,793,000	\$5,414,000	\$42,383,000	\$2,757,829	\$151,347,829

¹ Other Funding Sources:

- Court Services – Federal Court Improvement Program Grant
- Center for Court Research – McArthur Foundation Models for Change Grant
- Staff Services – Commute Trip Reduction Account
- Financial & Budget Services – Commute Trip Reduction Account

² Superior Court Judges: Includes salary and benefit cost for 4.45 FTE responsible for payroll and benefit administration in Financial and Budget Services.

**Board for Judicial Administration
Proposed 2012 Legislative Agenda**

Board for Judicial Administration Request Legislation – OUTSTANDING REQUESTS

- **Payment of interpreter expenses in civil hearings**
 - The Interpreter Commission is requesting that the BJA consider legislation to require that interpreters be provided at no expense to non-English speaking persons regardless of indigency in all cases. State funding is not requested.
 - Subsequent to the Leg/Exec discussion, a survey was sent to all courts requesting information about their current practices in order to evaluate the impact of such a requirement on local government.

Status: BJA Approval Requested; Discussed at Leg/Exec Committee on October 10 without recommendation.

- **Allowing judges facing mandatory retirement to complete their term of office**
 - The DMCJA is requesting that the BJA consider legislation to allow judges facing mandatory retirement to finish their term of office rather than requiring retirement at the end of their 75th year.
 - The mandatory retirement age is statutory for district court judges but constitutional for superior court judges and supreme court justices. Court of Appeals judges mirror the supreme court requirements by statute. To address the issue at all court levels, a constitutional amendment would be necessary. To amend the constitution, a bill must pass the legislature with a simple majority, a resolution must also pass the legislature with a two-thirds vote, and the amendment must be placed on the statewide ballot for approval.
 - A recent Seattle PI report indicated that 65% of those surveyed supported a mandatory retirement age for judges but did not address this question specifically.

Status: BJA Approval Requested; Discussed at Leg/Exec Committee on October 10 without recommendation.

Board for Judicial Administration Request Legislation – PREVIOUSLY APPROVED

- **Changing the election and appointment provisions for municipal court judges**
 - Legislation from the 2011 session is automatically revived for the 2012 session.
 - Last year's bill would require the election of all municipal court judges.
 - Technical corrections regarding the election process will need to be made at the request of the auditors if the bill proceeds.

Status: BJA Approval Received in 2010; Discussed at Leg/Exec Committee on October 10 with a recommendation to delay a decision regarding how to proceed until closer to session.

Board for Judicial Administration Request Legislation – PENDING

- **New Judicial Position in Whatcom County Superior Court**
Whatcom County Superior Court may decide to request authorization for one additional judicial position. Additional discussion will be necessary to determine whether this request will be ready for the 2012 session.
Status: Pending further review.
- **Regional Courts of Limited Jurisdiction**
The Regional Courts of Limited Jurisdiction Work Group will continue meeting during October and November. The work group has not yet determined whether they will recommend that legislation be sought during the 2012 session.
Status: Pending further work group discussion and review.

SENATE BILL 5630

State of Washington

62nd Legislature

2011 Regular Session

By Senators Harper, Pflug, Chase, Kohl-Welles, and Delvin; by request of Board For Judicial Administration

Read first time 02/02/11. Referred to Committee on Judiciary.

1 AN ACT Relating to municipal court judges and commissioners;
2 amending RCW 3.50.040, 3.50.050, 3.50.057, and 3.50.075; adding new
3 sections to chapter 3.50 RCW; and repealing RCW 3.50.055 and 3.50.070.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 3.50.040 and 2002 c 136 s 2 are each amended to read
6 as follows:

7 Within thirty days after the effective date of the ordinance
8 creating the municipal court, the mayor of each city or town shall
9 appoint a municipal judge or judges of the municipal court (~~((for a term~~
10 ~~of four years. The terms of judges serving on July 1, 1984, and~~
11 ~~municipal judges who are appointed to terms commencing before January~~
12 ~~1, 1986, shall expire January 1, 1986. The terms of their successors~~
13 ~~shall commence on January 1, 1986, and on January 1 of each fourth year~~
14 ~~thereafter, pursuant to appointment or election as provided in this~~
15 ~~chapter. Appointments shall be made on or before December 1 of the~~
16 ~~year next preceding the year in which the terms commence))~~ to serve
17 until January 1st of the year following the next election when other
18 city elected positions are normally elected.

1 The legislative authority of a city or town that has the general
2 power of confirmation over mayoral appointments shall have the power to
3 confirm the appointment of a municipal judge initially appointed under
4 this section.

5 A person appointed under this section as a full-time or part-time
6 municipal judge shall be a citizen of the United States of America and
7 a resident of the state of Washington; and an attorney admitted to
8 practice law before the courts of record of the state of Washington(~~+~~
9 ~~PROVIDED, That in a municipality having a population less than five~~
10 ~~thousand persons, a person who has taken and passed by January 1, 2003,~~
11 ~~the qualifying examination for a lay candidate for judicial officer as~~
12 ~~provided by rule of the supreme court may be the judge. Any city or~~
13 ~~town shall have authority to appoint a district judge as its municipal~~
14 ~~judge when the municipal judge is not required to serve full time. In~~
15 ~~the event of the appointment of a district judge, the city or town~~
16 ~~shall pay a pro rata share of the salary)).~~

17 **Sec. 2.** RCW 3.50.050 and 1984 c 258 s 107 are each amended to read
18 as follows:

19 (1) The legislative authority of the city or town ((may)) shall, by
20 ordinance, provide ((that the position of municipal judge within the
21 city or town shall be an elective position. The ordinance shall
22 provide for the qualifications of the municipal judge which shall be
23 the same as the qualifications necessary for the appointment thereof,
24 and further, shall provide that the municipal judge shall be elected in
25 the same manner as other elective city officials are elected to office,
26 and that the term of the municipal judge shall be for a term of four
27 years commencing on January 1, 1986, and every four years thereafter))
28 for the number of full and part-time judges to be elected.

29 (2) Municipal court judge elections shall be held at the same time
30 as elections for other elected city offices.

31 (3) In cities or towns with more than one full or part-time judge
32 position, the county auditor or election official of the county in
33 which the majority of city or town residents reside shall, at least ten
34 days before the time of filing declarations of candidacy for the
35 election of municipal court judges, designate each such office of a
36 municipal court judge to be filled by a number, commencing with the
37 number one and numbering the remaining offices consecutively. At the

1 time of filing of the declaration of candidacy, each candidate shall
2 designate by number which one, and only one, of the numbered offices
3 for which he or she is a candidate. The name of the candidate shall
4 appear on the ballot for only the numbered office for which the
5 candidate filed a declaration of candidacy.

6 (4) Where a void in election or lapse of election occurs in a city
7 or town with a population of less than ten thousand, the filings for
8 office shall not be reopened and the mayor shall appoint a qualified
9 person to serve the entire term of office for the position for which
10 the void in election or lapse of election occurred. The legislative
11 authority of a city or town that has the general power of confirmation
12 over mayoral appointments shall have the power to confirm the
13 appointment of a municipal judge appointed under this section.

14 (5) To be eligible to file a declaration of candidacy for and to
15 serve as a municipal court judge, a person must be a citizen of the
16 United States of America and a resident of the state of Washington, and
17 must be either:

18 (a) A lawyer admitted to practice law in the state of Washington;
19 or

20 (b) In those cities or towns having a population of less than five
21 thousand persons, a person who has taken and passed, by January 1,
22 2003, the qualifying examination for a lay candidate for judicial
23 officer as provided by rule of the supreme court.

24 (6) The terms of municipal court judges serving on the effective
25 date of this section, and municipal judges who are appointed to terms
26 commencing before January 1, 2014, shall expire January 1, 2014. The
27 terms of their successors shall commence on January 1, 2014, and on
28 January 1st of each fourth year thereafter, pursuant to appointment or
29 election under this chapter.

30 **Sec. 3.** RCW 3.50.057 and 1993 c 317 s 6 are each amended to read
31 as follows:

32 A judge of a municipal court need not be a resident of the city in
33 which the court is created, but must be a resident of the county in
34 which the city is located. In cities or towns where a court
35 commissioner has not been appointed and the municipal court is presided
36 over by a part-time judge, the judge need not be a resident of the city
37 or county in which the municipal court is created.

1 **Sec. 4.** RCW 3.50.075 and 2008 c 227 s 8 are each amended to read
2 as follows:

3 (1) One or more court commissioners may be appointed by a judge of
4 the municipal court.

5 (2) Each commissioner holds office at the pleasure of the
6 appointing judge.

7 (3) A commissioner authorized to hear or dispose of cases must be
8 a lawyer who is admitted to practice law in the state of Washington or
9 a nonlawyer who has passed, by January 1, 2003, the qualifying
10 examination for lay judges for courts of limited jurisdiction under RCW
11 3.34.060.

12 (4) On or after July 1, 2010, when serving as a commissioner, the
13 commissioner does not have authority to preside over trials in criminal
14 matters, or jury trials in civil matters unless agreed to on the record
15 by all parties.

16 (5) A commissioner need not be a resident of the city or of the
17 county in which the municipal court is created. ((When a court
18 commissioner has not been appointed and the municipal court is presided
19 over by a part time appointed judge, the judge need not be a resident
20 of the city or of the county in which the municipal court is created.))

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 3.50 RCW
22 to read as follows:

23 (1) Any city or town shall have authority to appoint a district
24 judge as its municipal judge when the municipal judge is not required
25 to serve full time. The district judge shall not have to stand for
26 election as the municipal judge in such city, but the legislative
27 authority of a city or town that has the general power of confirmation
28 over mayoral appointments shall have the power to confirm the
29 appointment of a district judge as a less than full-time municipal
30 judge.

31 (2) In the event of the appointment of a district judge, the city
32 or town shall pay a pro rata share of the salary.

33 NEW SECTION. **Sec. 6.** A new section is added to chapter 3.50 RCW
34 to read as follows:

35 (1) Where a court serves the residents of more than one city or
36 town by virtue of an interlocal agreement between two or more cities or

1 towns, the judicial position or positions serving such court shall be
2 filled by election and such position or positions shall appear on the
3 ballot of each participating city or town and shall be elected by a
4 majority of all votes cast by residents of the participating cities or
5 towns.

6 (2) To meet the requirements of RCW 3.50.057, the judge must be a
7 resident of the county in which one or more of the participating cities
8 or towns is located.

9 (3) Candidates for office shall file with the county auditor or
10 chief election official in the county in which the majority of the
11 residents of the participating cities or towns reside and shall pay one
12 filing fee.

13 (4) A candidate for office under this section may file for multiple
14 part-time judicial positions as long as the total amount of part-time
15 positions does not amount to more than one full-time equivalent
16 judicial position.

17 NEW SECTION. Sec. 7. The following acts or parts of acts are each
18 repealed:

19 (1) RCW 3.50.055 (Judicial positions--Filling--Circumstances
20 permitted) and 1993 c 317 s 4; and

21 (2) RCW 3.50.070 (Additional judges--Appointment, election) and
22 1984 c 258 s 109 & 1961 c 299 s 56.

--- END ---



WASHINGTON COURTS

September 21, 2011

TO: Chief Justice Barbara Madsen, BJA Chair; and
Judge Chris Wickham, Member Chair

FROM: Justice Susan B. Owens, Chair, Interpreter Commission

RE: PAYMENT OF INTERPRETER EXPENSES IN CIVIL HEARINGS

Washington law requires courts to secure the rights of persons who are unable to communicate in the English language by providing qualified interpreters.¹ Without the aid of interpretation, participants with limited English proficiency (LEP) are excluded from opportunity to exercise their legal rights. However, in civil matters, Washington law creates barriers to LEP individuals in exercising their rights. Courts may charge the cost of interpreter expenses to LEP parties in civil cases, unless they have demonstrated indigency.² And, in many cases, courts simply do not appoint court interpreters in civil matters.

Although in many respects we believe Washington far outpaces the national norms with respect to serving LEP persons, the Interpreter Commission is concerned that our state law regarding payment for interpreter services in civil matters may not meet federal standards. Developed pursuant to Title VI of the Civil Rights Act of 1964 and Executive Order 13166, the U.S. Department of Justice (DOJ) established Guidance addressing language access standards that must be met by federal funding recipients.³ DOJ's position is that courts that are direct and indirect funding recipients of federal funds are required to pay interpreter costs in all hearings, regardless of case type, and regardless of a party's economic status.⁴

The inconsistency between the requirements of Title VI and Washington statute create uncertainty and risk for all Washington courts.

¹ RCW 2.43.010).

² RCW §.43.040(3).

³ 28 C.F.R. §42.101 and §42.201.

⁴ October 14, 2010 letter from Thomas E. Perez, Assistant Attorney General, to Chief Justices and State Court Administrators.

Therefore, the Interpreter Commission respectfully requests that the BJA pursue a legislative change mandating the courts to pay interpreter expenses in all cases types, regardless of parties' economic status, harmonizing RCW 2.43.040 and federal requirements for civil hearings. The Commission is not requesting State funding to accommodate the change.

Current Practices in Washington Courts: Washington courts take inconsistent approaches to appointing and charging litigants for interpreter expenses in civil cases. Interpreter schedulers of thirty-two courts responded to an informal survey regarding payment of interpreter expenses. Respondents represented a mix of Superior, District and Municipal Courts. The survey showed that most responding courts already pay interpreter expenses in civil cases. Specific findings include:

- **Traffic Infraction Hearings:** All but one responding court pays for interpreter expenses in all traffic hearings.
- **Other Civil Hearings:** Of the twenty-one responding District and Superior Courts, seventeen pay interpreter costs in all civil cases. Four collect fees when parties are not found to be indigent.
- **Protection Order Hearings:** Twenty-one courts reported paying interpreter expenses in all protection order hearings. One reported paying only if the party is indigent, and one indicated "when ordered by the Judge."

Although the majority of responding courts reportedly cover the costs of interpreting in civil matters, some still do not. Advocates have brought concerns to the Interpreter Commission's attention regarding the provision of interpreters in civil cases. Transcripts illustrate that judges sometimes confuse the requirement to pay interpreter costs, with the right to having an interpreter. Additionally, the burden to prove indigency is placed on the LEP parties, without the benefit of an interpreter to address the procedural requirements.

Current Practices in Other States: Courts in at least sixteen states pay interpreter costs for all civil cases. Those states are listed below, along with the source of their directive:

- | | | |
|---------------------------------|---|--|
| 1. Colorado (result of DOJ MOU) | 7. Maryland (Supreme Court directive) | 13. New Mexico (statute) |
| 2. Georgia (court rule) | 8. Massachusetts (statute) | 14. New York (statute) |
| 3. Idaho (statute) | 9. Maine (result of DOJ MOU) | 15. Oregon (not firm in statute, but done as a matter of policy) |
| 4. Indiana (statute) | 10. Minnesota (statute) | 16. Wisconsin (statute) |
| 5. Kansas (statute) | 11. Nebraska (statute) | |
| 6. Kentucky (statute) | 12. New Jersey (administrative directive) | |

National Attention: In recent years the U.S. Department of Justice Civil Rights Division has increased its enforcement of language access requirements. To date the DOJ's only audit and investigation in Washington occurred with the Mattawa Police

Department in 2008.⁵ However, audits and investigations have occurred or are occurring with courts in California, Colorado, Maine, Wisconsin, North Carolina, Delaware, and Alabama. There has been increased visibility to the issue of court interpreting and requiring courts to pay those expenses. Washington has been identified as a state that does not pay interpreter expenses in non-indigent civil matters in the Brennan Center for Justice's publication *Language Access in State Courts*⁶ and COSCA's 2007 *White Paper on Court Interpretation: Fundamental to Access to Justice*.⁷

Cost Considerations: Paying the costs of interpreter cases in non-indigent civil matters will have a fiscal impact on counties and cities. However, courts may opt to use the opportunity to identify cost-savings approaches to interpreter management. Proven and effective cost saving approaches include, but are not limited to:

- Establishing "interpreter calendars" to better utilize paid interpreter time, and reduce the number of separate court events requiring interpreters;
- Consolidating interpreter scheduling responsibilities among neighboring courts, sharing costs and resources;
- Hiring staff Spanish interpreters for a single court, or to be shared by neighboring courts;
- Implementing online scheduling technology to reduce the amount of staff time used for finding and communicating with court interpreters.

Additionally, the AOC is currently piloting video remote interpreting technology, which has the potential to deliver services to courts statewide at reduced costs.

Alternative to Statutory Changes: An alternative to seeking a statutory change is establishing Court Rules regarding the payment of interpreters. The Supreme Court has certain inherent powers; among these is the power to prescribe rules for procedure and practice in State Courts.⁸ Case law indicates that, where the rule of court is inconsistent with procedural statute, the power of the court to establish the procedural rules for the courts of this state is supreme.⁹

Chapter 2.43 RCW applies not only to Washington State Courts, but also to any "department, board, commission, agency, licensing authority, or legislative body of the state or of any political subdivision thereof."¹⁰ Creating a Court Rule regarding the

⁵ http://seattletimes.nwsources.com/html/localnews/2004438670_bilingual26.html

⁶ http://www.brennancenter.org/content/resource/language_access_in_state_courts/ See page 19.

⁷ <http://cosca.ncsc.dni.us/WhitePapers/CourtInterpretation-FundamentalToAccessToJustice.pdf> See page 39.

⁸ *State v. Smith*, 84 Wn.2d 498, 502, 527 P.2d 674, 677 (1974).

⁹ *Petrarca v. Halligan*, 83 Wn.2d 773, 777, 522 P.2d 827, 830 (1974); *State v. Pollard*, 66 Wn.App. 779, 785, 834 P.2d 51, 54 (1992); *State v. Saldano*, 36 Wn.App. 344, 350, 675 P.2d 1231, 1235 (1984).

¹⁰ RCW 2.43.020(1) (2010).

payment of interpreters provides an opportunity to craft language specifically applicable to State Courts.

Summary: The Washington statutory standards regarding the payment of court interpreter costs in non-indigent civil cases do not conform to U.S. Department of Justice standards . Moreover, the general trend among Washington courts and other state judiciaries is to absorb these costs as a court expense. The Interpreter Commission respectfully requests that the BJA support and seek a legislative change to RCW 2.43.040 requiring courts to provide court interpreters at court expense for all hearing types. In the alternative, the Interpreter Commission requests the BJA's endorsement of establishing a procedural court rule requiring the same.

RCW 2.43.040

Fees and expenses — Cost of providing interpreter — Reimbursement.

(1) Interpreters appointed according to this chapter are entitled to a reasonable fee for their services and shall be reimbursed for actual expenses which are reasonable as provided in this section.

(2) In all legal proceedings in which the non-English-speaking person is a party, or is subpoenaed or summoned by the appointing authority or is otherwise compelled by the appointing authority to appear, including criminal proceedings, grand jury proceedings, coroner's inquests, mental health commitment proceedings, and other legal proceedings initiated by agencies of government, the cost of providing the interpreter shall be borne by the governmental body initiating the legal proceedings.

(3) In other legal proceedings, the cost of providing the interpreter shall be borne by the non-English-speaking person unless such person is indigent according to adopted standards of the body. In such a case the cost shall be an administrative cost of the governmental body under the authority of which the legal proceeding is conducted.

(4) The cost of providing the interpreter is a taxable cost of any proceeding in which costs ordinarily are taxed.

(5) Subject to the availability of funds specifically appropriated therefor, the administrative office of the courts shall reimburse the appointing authority for up to one-half of the payment to the interpreter where an interpreter is appointed by a judicial officer in a proceeding before a court at public expense and:

(a) The interpreter appointed is an interpreter certified by the administrative office of the courts or is a qualified interpreter registered by the administrative office of the courts in a noncertified language, or where the necessary language is not certified or registered, the interpreter has been qualified by the judicial officer pursuant to this chapter;

(b) The court conducting the legal proceeding has an approved language assistance plan that complies with RCW 2.43.090; and

(c) The fee paid to the interpreter for services is in accordance with standards established by the administrative office of the courts.

[2008 c 291 § 3; 1989 c 358 § 4. Formerly RCW 2.42.230.]

Notes:

Severability -- 1989 c 358: See note following RCW 2.43.010.

Municipal Courts – Interpreter Costs in Civil Cases

Location	Approx. annual interpreter costs	Receive Federal funds?	Process to track reimbursement of interp. costs?	Approx. amount recovered annually	Provide interpreting at court expense in ALL civil hearings
Auburn	\$75,000	No	No	\$100	No
Bonney Lake	\$3,000	No	No	0	No
Brewster	\$100	No	No	0	No
Buckley	\$1,500	No	No	0	No
East Wenatchee	\$3,000	No	No	0	Yes
Edmonds	\$43,000	No	No	0	Yes
Federal Way	\$75,000	Yes	No	0	Yes
Fife	\$20,000	No	No	0	Yes
Gig Harbor	\$3,500	No	No	0	Yes
Kirkland	\$30,000	No	No	0	Yes
Lakewood	\$35,000	No	No	0	Yes
Lynnwood	\$84,000	No	No	0	Yes
Marysville	\$22,000	No	No	0	Yes
Mercer Island	\$12,000	No	No	0	Yes
Ocean Shores	\$3,000	No	Yes ¹	\$2000	No
Pacific and Algonia	\$15,000	No	No	\$9000	No
Port Orchard	\$3,500	No	No	0	Yes
Renton	\$60,000	No	No	0	No
Roy	\$400	No	No	0	Yes
SeaTac	\$38,000	No	No	0	Yes
Seattle	\$350,000	Yes	No	0	Yes
Tukwila	\$60,000	No	No	0	Yes
Union Gap	\$24,000	No	No	0	Yes
Vancouver	\$60,000	Yes	No	0	Yes

	Protective Orders	Infractions	Other
We provide and pay for interpreters when requested.	9	22	3
We provide and pay for interpreters, but seek reimbursement of costs from the non-English speaking party, unless so ordered by the court.	0	2	2
We require non-English speaking parties to provide their own interpreters, unless so ordered by the court.	0	2	2

¹ We track it as restitution to the City of Ocean Shores.

District Courts – Interpreter Costs in Civil Cases

Location	Approx. annual interpreter costs	Receive Federal funds?	Process to track reimbursement of interp. costs?	Approx. amount recovered annually	Provide interpreting at court expense in ALL civil hearings
Clark	\$75,000	Yes	No answer	0	No
Columbia	\$1,000	No	No	0	No
Douglas	\$89,000	No	No	0	Yes
King	\$680,000	No	No	0	Yes
Kitsap	\$40,000	No	No	0	No
Klickitat	\$1,500	No	No	0	Yes
Okanogan	\$30,000	No	No	0	Yes
Pacific	\$300	No	No	0	Yes
Pend Oreille	\$150	No	No	0	Yes
Pierce	\$350,000	Yes	No	0	Yes
San Juan	\$2,000	No	No	\$500	No
Skamania	\$4,000	No	Yes ²	0	No
Spokane	\$2,100 (civil only)	Yes	No	0	Yes
Thurston	\$25,000	No	No	0	Yes
Whatcom	Unknown	No	No	0	Yes
Whitman	\$1,000	No	Yes ³	0	No
X	X	No	No	0	Yes
Yakima	\$146,000	No	No	\$500	Yes

	Protective Orders	Infractions	General Civil	Other
We provide and pay for interpreters when requested.	16	14	10	5
We provide and pay for interpreters, but seek reimbursement of costs from the non-English speaking party, unless so ordered by the court.	0	1	2	0
We require non-English speaking parties to provide their own interpreters, unless so ordered by the court.	1	3	5	0

² Setting 6 month reviews.

³ We have very few civil/small claim cases where an interpreter is requested - less than one per year. The finance coordinator keeps a folder with the case number and tracks payment manually.

Superior Courts-- Interpreter Costs in Civil Cases

Location	Approx. annual interpreter costs	Receive Federal funds?	Process to track reimbursement of interp. costs?	Approx. amount recovered annually	Provide interpreting at court expense in ALL civil hearings
Benton & Franklin	\$72,250	Yes	No	0	Yes
Chelan	\$58,000	Yes	No	0	Yes
Clark	\$100,000	Yes	No	0	No
Cowlitz	\$43,000	Yes	No	0	Yes
Jefferson	\$3,000	No	No	0	Yes
King	\$800,000	Yes	No	0	No
Kitsap	\$45,000	Yes	No	0	Yes
Mason	\$18,000	Yes	No	0	No
Pierce	\$350,000	Yes	No	0	Yes
San Juan	\$0	No	No	0	Yes
Snohomish	\$150,000	Yes	No	0	No
Spokane	\$500	Yes	No	0	Yes
Stevens/Ferry/Pend Oreille	\$1,000	Yes	No	0	Yes
Thurston	\$40,000	Yes	No	0	Yes
Whatcom	\$34,000	Yes	No	0	Yes
Yakima	\$149,000	Yes	No	0	No

	Family	Protection Orders	Involuntary Commitments	General Civil	Other
We provide and pay for interpreters when requested.	11	15	15	12	6
We provide and pay for interpreters, but seek reimbursement of costs from the non-English speaking party, unless so ordered by the court.	2	0	0	2	0
We require non-English speaking parties to provide their own interpreters, unless so ordered by the court.	3	1	1	2	1

SENATE BILL 5323

State of Washington

62nd Legislature

2011 Regular Session

By Senators Shin, Swecker, Kastama, Hatfield, Delvin, Honeyford,
Holmquist Newbry, and Sheldon

Read first time 01/20/11. Referred to Committee on Judiciary.

1 AN ACT Relating to retirement of judges; and amending RCW 2.10.100.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 Sec. 1. RCW 2.10.100 and 1995 c 305 s 1 are each amended to read
4 as follows:

5 Retirement of a member for service shall be made by the retirement
6 board as follows:

7 (1) Any judge who, on August 9, 1971 or within one year thereafter,
8 shall have completed as a judge the years of actual service required
9 under chapter 2.12 RCW and who shall elect to become a member of this
10 system, shall in all respects be deemed qualified to retire under this
11 retirement system upon the member's written request.

12 (2) Any member who has completed fifteen or more years of service
13 may be retired upon the member's written request but shall not be
14 eligible to receive a retirement allowance until the member attains the
15 age of sixty years.

16 (3) Any member who attains the age of seventy-five years shall be
17 retired at either (a) the end of the calendar year in which the member
18 attains such age; or (b) the expiration of the member's term of office
19 after attaining such age.

1 (4) Any judge who involuntarily leaves service or who is appointed
2 to a position as a federal judge or federal magistrate at any time
3 after having served an aggregate of twelve years shall be eligible to
4 a partial retirement allowance computed according to RCW 2.10.110 and
5 shall receive this allowance upon the attainment of the age of sixty
6 years and fifteen years after the beginning of the member's judicial
7 service.

--- END ---

SENATE JOINT RESOLUTION 8200

State of Washington

62nd Legislature

2011 Regular Session

By Senators Shin, Chase, Hargrove, Harper, Prentice, Rockefeller,
Holmquist Newbry, Fraser, and Sheldon

Read first time 01/14/11. Referred to Committee on Judiciary.

1 BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
2 STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

3 THAT, At the next general election to be held in this state the
4 secretary of state shall submit to the qualified voters of the state
5 for their approval and ratification, or rejection, an amendment to
6 Article IV, section 3(a) of the Constitution of the state of Washington
7 to read as follows:

8 ARTICLE 4, SECTION 3A

9 SECTION 3(a) RETIREMENT OF SUPREME COURT AND SUPERIOR COURT JUDGES.

10 A judge of the supreme court or the superior court shall retire from
11 judicial office either (1) at the end of the calendar year in which he
12 or she attains the age of seventy-five years; or (2) at the expiration
13 of his or her term of office after attaining the mandatory retirement
14 age. The legislature may, from time to time, fix a lesser age for
15 mandatory retirement, not earlier than the end of the calendar year in
16 which any such judge attains the age of seventy years, as the
17 legislature deems proper. This provision shall not affect the term to
18 which any such judge shall have been elected or appointed prior to, or

1 at the time of, approval and ratification of this provision.
2 Notwithstanding the limitations of this section, the legislature may by
3 general law authorize or require the retirement of judges for physical
4 or mental disability, or any cause rendering judges incapable of
5 performing their judicial duties.

6 BE IT FURTHER RESOLVED, That this amendment is a single amendment
7 within the meaning of Article XXIII, section 1 of the state
8 Constitution.

9 The legislature finds that the changes contained in this amendment
10 constitute a single integrated plan permitting judges to complete their
11 term of office prior to retirement. If this amendment is held to be
12 separate amendments, it is void in its entirety and is of no further
13 force and effect.

14 BE IT FURTHER RESOLVED, That the secretary of state shall cause
15 notice of this constitutional amendment to be published at least four
16 times during the four weeks next preceding the election in every legal
17 newspaper in the state.

--- END ---



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Poll: Make old judges in Washington retire

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People in Washington state think it's fine that judges who turn 75 are forced to retire.

A SurveyUSA/KING5 poll asked whether the rules in Washington should be changed so state judges could continue working past their 75th birthday.

- 65 percent said they supported a mandatory retirement age.
- 30 percent opposed it.
- 5 percent were unsure.

The poll of 500 people was taken Aug. 26. The margin of error was 4.3 percent.

13 [Share](#) 10

Posted by Chris Grygiel on August 27, 2011 at 10:45 am | Permalink | 12 Comments

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Chris Grygiel

Chris Grygiel coordinates political coverage for seattlepi.com. He previously worked at it... [More](#)

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FROM AROUND THE WEB

Fibromyalgia Syndrome: Mystery Pain Explained ([Lifescript.com](#))
Unthinkable Picked to Happen on Wall Street. See Disturbing Charts.

Results of SurveyUSA News Poll #18523

Geography: State of Washington

Data Collected: 08/26/2011

Release Date: 08/26/2011

Percentages

SURVEY USA

Sponsor:
KING-TV (Seattle)

1 Some people like their work and voluntarily continue past their normal retirement age. State judges in Washington State are allowed to continue working past age 65 if they choose, but when they turn 75, they face mandatory retirement and must leave the bench. Do you support or oppose a mandatory retirement age for state judges?

500 Adults	All	Gender		Age					Race				Party Affiliation		
		Male	Female	18-34	35-49	50-64	65+	<50 / 50+	White	Black	Hispani	Asian/O	Republi	Democr	Indepen
Margin of Sampling Error: +/-4.3%															
Support	65%	71%	58%	68%	61%	65%	64%	64%	64%	**	78%	66%	65%	65%	65%
Oppose	30%	26%	34%	26%	35%	29%	32%	30%	31%	**	17%	31%	31%	29%	31%
Not Sure	5%	2%	8%	6%	5%	6%	4%	5%	5%	**	5%	4%	4%	6%	3%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Composition of Adults	100%	49%	51%	32%	31%	22%	15%	37%	82%	3%	6%	10%	32%	36%	28%

1 Some people like their work and voluntarily continue past their normal retirement age. State judges in Washington State are allowed to continue working past age 65 if they choose, but when they turn 75, they face mandatory retirement and must leave the bench. Do you support or oppose a mandatory retirement age for state judges?

500 Adults	All	Ideology		Region		
		Conser	Moder	Liberal	Wester	Eastern
Margin of Sampling Error: +/-4.3%						
Support	65%	72%	54%	77%	69%	63%
Oppose	30%	25%	41%	20%	22%	34%
Not Sure	5%	3%	5%	4%	9%	3%
Total	100%	100%	100%	100%	100%	100%
Composition of Adults	100%	27%	41%	26%	27%	19%

** Too few respondents of this type were interviewed for this data to be meaningful.

Statement of Methodology: About the Poll: This poll was conducted by telephone in the voice of a professional announcer. Respondent households were selected at random, using Random Digit Dialed (RDD) sample provided by Survey Sampling, of Fairfield CT. All respondents heard the questions asked identically. The pollster's report includes the geography that was surveyed; the date(s) interviews were conducted, the number of respondents who answered each question and the theoretical margin of sampling error for each question. Where necessary, respondents were weighted using the most recent US Census estimates for age, gender, ethnic origin and region, to align the sample to the population. In theory, one can say with 95% certainty that the results would not vary by more than the stated margin of sampling error, in one direction or the other, had the entire universe of respondents with home telephones been interviewed with complete accuracy. There are other possible sources of error in all surveys that may be more serious than sampling error. These include: the difficulty of interviewing respondents who do not have a home telephone; the refusal by some with home telephones to be interviewed; the order in which questions are asked; the wording of questions; the way and extent to which data are weighted; and the manner in which specialized populations, such as likely voters, are determined. It is difficult to quantify the errors that may result from these and other factors. Research methodology, questionnaire design and fieldwork for this survey were completed by SurveyUSA of Clifton, NJ. This statement conforms to the principles of disclosure of the National Council on Public Polls.